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THE

MISCELLANEOUS DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-NINTH CONGRESS.

1885-'86.

VOLUME 2.

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REVISION OF RULES

OF THE

HOUSE OF REPRESENTATIVES

IN THE

THIRTY-SIXTH AND FORTY-SIXTH CONGRESSES.

COMPILED BY

HENRY H. SMITH,

JOURNAL CLERK OF THE HOUSE OF REPRESENTATIVES,

UNDER RESOLUTION OF THE HOUSE OF DECEMBER 12, 1885.

WASHINGTON:

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1885.

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PREFACE.

The very brief time allowed for the execution of the order of the House of the 12th instant will explain the absence of a full index, which, however, will be remedied later, when it is believed a completely indexed copy will be ready for distribution.

A temporary expedient is resorted to of supplying a synoptical index with this volume, showing the discussion in the revision of 1880 by subjects in the order in which the several rules and clauses were considered.

It has been found impossible to do more than this and have the volume ready for delivery on Tuesday morning, when it is expected the report of the Committee on Rules will be taken up.

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STANDING RULES AND ORDERS

FOR CONDUCTING BUSINESS IN

THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

IN FORCE AT THE CLOSE OF THE THIRTY-FIFTH CONGRESS.

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and on the appearance of a quorum, shall cause the journal of the preceding day to be read.—*April* 7, 1789.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members—*April* 7, 1789; on which appeal no member shall speak more than once, unless by leave of the House.—*December* 23, 1811.

3. He shall rise to put a question, but may state it sitting.—*April* 7, 1789.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say *Ay;*" and after the affirmative voice is expressed, "As many as are of the contrary opinion, say *No.*" If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House.—*April* 7, 1789. No division and count of the House by tellers shall be in order, but upon motion seconded by at least one-fifth of a quorum of the members.—*September* 15, 1837.

5. When any motion or proposition is made, the question "Will the House now consider it?" shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.—*December* 12, 1817.

6. The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.—*December* 23, 1811.

7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if upon such ballot the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.—*January* 13, 1790.

8. The first named member of any committee shall be the chairman; and in his absence, or being excused by the House, the next named member, and so on, as often as the case shall happen, unless the committee, by a majority of their number, elect a chairman.—*December* 28, 1805.

9. Any member may excuse himself from serving on any committee, at the time of his appointment, if he is then a member of two other committees.—*April* 13, 1789.

10. It shall be the duty of a committee to meet on the call of any two of its members, if the chairman be absent, or decline to appoint such meeting.—*December* 20, 1805.

11. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained.—*April* 7, 1789. And in all ballotings blanks shall be rejected, and not taken into the count in enumeration of votes, or reported by the tellers.—*September* 15, 1837.

12. In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not be required to vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.—*April* 7, 1789.

13. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.—*April* 7, 1789.

14. In all cases of election by the House of its officers, the vote shall be taken *viva voce.*—*December* 10, 1839.

15. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.—*November* 13, 1794.

16. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.—*March* 14, 1794.

17. No person, except members of the Senate, their secretary, heads of departments, President's private secretary, the governor for the time being of any State, and judges of the Supreme Court of the United States, shall be admitted within the hall of the House of Representatives.

18. Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, but not on the floor of the House; but no person shall be allowed the privilege of said gallery, under the character of stenographer or reporter, without a written permission of the Speaker, specifying the part of said gallery assigned to him; nor shall the said stenographer or reporter be admitted to said gallery unless he shall state in writing for what paper or papers he is employed to report; nor shall he be so admitted, or, if admitted, be suffered to retain his seat, if he shall be, or become, an agent to prosecute any claim pending before Congress; and the Speaker shall give his written permission with this condition.

19. (*Rescinded.*)

20. The Doorkeeper shall execute strictly the 17th and 18th rules, relative to the privilege of the hall.—*March* 1, 1838.

21. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities.—*April* 13, 1789, *and act June* 1, 1789. He shall be deemed to continue in office until another be appointed.—*March* 1, 1791.

ORDER OF BUSINESS OF THE SESSION.

22. After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place.—*March* 17, 1848.

ORDER OF BUSINESS OF THE DAY.

23. As soon as the journal is read, reports from committees shall be called for and disposed of—in doing which the Speaker shall call upon each standing committee in the order they are named in the 76th and 104th rules; and when all the standing committees shall have been called on, then it shall be the duty of the Speaker to call for reports from the select committees. If the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off: *Provided,* That whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees shall have been called in their turn.

24. Members having petitions and memorials to present may hand them to the Clerk, endorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the journal, subject to the control and direction of the Speaker. And if any petition or memorial be so handed in which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received.—*March* 29, 1842.

25. Reports from the committees having been presented and disposed of, the Speaker shall call for resolutions from the members of each State, and delegates from each Territory, beginning with Maine and the Territory of Wisconsin, alternately. They shall not be debated on the very day of their being presented, nor on any day assigned by the House for the receipt of resolutions, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented. And if on any day the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day, provided that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.—*January* 14, 1829.

26. All the States and Territories shall be called for resolutions on each alternate Monday during each session of Congress; and, if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to resolutions, until all the States and Territories are called through.—*February* 6, 1838.

27. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to

the orders of the day—*January* 5, 1832; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

1st. Messages and other executive communications.

2d. Messages from the Senate, and amendments proposed by the Senate to bills of the House.

3d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees and put under way; but if, on being read a second time, no motion being made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.

4th. Engrossed bills and bills from the Senate on their third reading.

5th. Bills of the House and from the Senate on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading.

The messages, communications, and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.—*September* 14, 1837.

28. The business specified in the 26th and 27th rules shall be done at no other part of the day, except by permission of the House.—*December* 23, 1811.

LOCAL OR PRIVATE BUSINESS.

29. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.—*January* 22, 1810, *and January* 26, 1826.

30. On the first and fourth Friday of each month, the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of.—*January* 25, 1839.

OF DECORUM AND DEBATE.

31. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker"—*April* 7, 1789—and shall confine himself to the question under debate, and avoid personality.—*December* 23, 1811.

32. Members may address the House or committee from the Clerk's desk, or from a place near the Speaker's chair.

33. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.—*April* 7, 1789.

34. No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: provided, that where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege on debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee.—*December* 18, 1847.

35. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; *if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House;* and if the case require it, he shall be liable to the censure of the House.—*April* 7, 1789, *and March* 13, 1822.

36. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.—*September* 14, 1837.

37. No member shall speak more than once to the same question, without leave of the House—*April* 7, 1789—unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.—*January* 14, 1840.

38. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day shall be permitted again to speak without leave.—*April* 7, 1789.

39. While the Speaker is putting any question, or addressing the House, none shall walk out of or across the house; nor in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking shall pass between him and the Chair.—*April* 7, 1789. Every member shall remain uncovered during the session of the House.—*September* 14, 1837. No member or other person shall visit or remain by the Clerk's table while the ayes and noes are calling, or ballots are counting.—*September* 14, 1837.

40. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put.—*April* 7, 1789. And when any member shall ask leave to vote, the Speaker shall propound to him the question, "*Were you within the bar when your name was called?*"—*September* 14, 1837.

41. Upon a division and count of the House on any question, no member without the bar shall be counted.—*November* 13, 1794.

42. Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reason, shall excuse him.—*April* 7, 1789. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without further debate.—*September* 14, 1837.

43. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated.—*April* 7, 1789.

44. Every motion shall be reduced to writing if the Speaker or any member desire it.—*April* 7, 1789. Every *written* motion made to the House shall be inserted on the journals, with the name of the member making it, unless it be withdrawn on the same day on which it was submitted.—*March* 26, 1806.

45. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn at any time before a decision or amendment.—*April* 7, 1789.

46. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged—*March* 13, 1822; and no motion to postpone to a day certain, to commit, or to postpone indefinitely being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

47. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee.—*March* 13, 1822.

48. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order—*April* 7, 1789, *and January* 14, 1840; these motions, and the motion to lie on the table, shall be decided without debate.—*November* 13, 1794; *March* 13, 1822.

49. The hour at which every motion to adjourn is made shall be entered on the journal.—*October* 9, 1837.

50. The previous question shall be in this form: "Shall the main question be now put?"—*April* 7, 1789. It shall only be admitted when demanded by a majority of the members present.—*February* 24, 1812; and its effects shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any; then—*August* 5, 1848—upon pending amendments, and then upon the main question.—*January* 14, 1840. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.—*September* 14, 1837.

51. On a previous question there shall be no debate.—*December* 17, 1805. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.—*September* 15, 1837.

52. When a question is postponed indefinitely, the same shall not be acted upon again during the session.—*December* 17, 1805.

53. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House.—*September* 15, 1837. A motion to strike out and insert shall be deemed indivisible.—*December* 23, 1811; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.—*March* 13, 1852.

54. Motions and reports may be committed at the pleasure of the House.—*April* 7, 1779.

55. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.—*March* 13, 1822. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.—*September* 15, 1837.

56. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority

to move for the reconsideration thereof—*January* 7, 1802—on the same or succeeding day—*December* 23, 1811; and such motion shall take precedence of all other questions, except a motion to adjourn—*May* 6, 1828—and shall not be withdrawn after the said succeeding day without the consent of the House; and thereafter any member may call it up for consideration.—*March* 2, 1848.

57. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.—*November* 13, 1794.

58. The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.—*November* 13, 1794.

59. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.—*April* 7, 1789.

60. The name of the member who presents a petition or memorial, or who offers a resolution to the consideration of the House, shall be inserted on the journals.—*March* 22, 1806.

61. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the executive departments, or by the Postmaster-General—*December* 13, 1820—or to print an extra number of any document or other matter, excepting messages of the President to both houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House—*December* 13, 1820; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered.—*January* 22, 1822.

62. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.—*April* 7, 1789.

63. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.—*November* 13, 1789, *and December* 14, 1795.

64. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.—*November* 13, 1794.

65. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.—*April* 17, 1789.

66. No member shall absent himself from the service of the House, unless he have leave, or be sick or unable to attend.—*April* 13, 1789.

67. A Sergeant-at-arms shall be appointed, to hold his office during the pleasure of the House whose duty it shall be to attend the House during its sittings; to execute the commands of the House from time to time, together with all such processs, issued by authority thereof, as shall be directed to him by the Speaker.—*April* 14, 1789.

68. The symbol of his office (the mace) shall be borne by the Sergeant-at arms when in the execution of his office.—*April* 14, 1789.

69. The fees of the Sergeant-at-arms shall be for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for traveling expenses for himself or a special messenger, going and returning, one-tenth of a dollar per mile.—*April* 14, 1789.

70. It shall be the duty of the Sergeant-at-arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required to do so, to draw the money on such checks for the members, (the same being previously signed by the Speaker, and indorsed by the member,) and pay over the same to the member intitled thereto.—*April* 4, 1838.

71. The Sergeant-at-arms shall give bond with surety, to the United States, in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members.—*April* 4, 1838.

72. The Sergeant-at-arms shall be sworn to keep the secrets of the House.—*December* 23, 1811.

73. A Doorkeeper shall be appointed for the service of the House.—*April* 2, 1789.

74. The Doorkeeper shall be sworn to keep the secrets of the House.—*December* 23, 1811.

75. The Postmaster, to superintend the post office kept in the Capitol for the accommodations of the members, shall be appointed by the House.—*April* 4, 1838.

76. Twenty-eight standing committees shall be appointed at the commencement of each session, viz:

A Committee of Elections—*Nov.* 13,1789. A Committee of Ways and Means.—*Jan.* 7, 1802. A Committee of Claims.—*Nov.* 13, 1794. A Committee on Commerce.—*Dec.* 14, 1795. A Committee on the Public Lands.—*Dec.* 17, 1805. A Committee on the Post Office and Post Roads.—*Nov.* 9, 1808. A Committee for the District of Columbia.—*Jan.* 27, 1808. A Committee on the Judiciary.—*June* 3, 1813. A Committee on Revolutionary Claims.—*Dec.* 22, 1813. A Committee on Public Expenditures.—*Feb.* 26, 1814 A Committee on Private Land Claims.—*April* 29, 1816. A Committee on Manufactures.—*Dec.* 8, 1819. A Committee on Agriculture.—*May* 3, 1820. A Committee on Indian Affairs.—*Dec.* 18, 1821. A Committee on Military Affairs.—*March* 13, 1822. A Committee on the Militia.—*Dec.* 10, 1835. A Committee on Naval Affairs.—*March* 13, 1822. A Committee on Foreign Affairs.—*March* 13, 1822. A Committee on the Territories.—*Dec.* 13, 1825. A Committee on Revolutionary Pensions.—*Dec.* 9, 1825. A Committee on Invalid Pensions.—*Jan.* 10, 1831. A Committee on Roads and Canals.—*Dec.* 15, 1831.	To consist of nine members each.
A Committee on Patents.—*Sept.* 15, 1837. A Committee on Public Buildings and Grounds.—*Sept.* 15, 1837. A Committee of Revisal and Unfinished Business.—*Dec.* 14, 1795. A Committee of Accounts.—*Nov.* 7, 1804. A Committee on Mileage.—*Sept.* 15, 1837.	To consist of five members each.

A Committee on Engraving, to consist of three members.—*March* 16, 1844.

77. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House; and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.—*November* 13, 1789; *November* 13, 1794.

78. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon; [to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.]—*January* 7, 1802.

In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred to them for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.—*January* 30, 1819.

79. It shall also be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills—for the civil and diplomatic expenses of government; for the army; for the navy; and for the Indian department and Indian annuities; or, in failure thereof, the reasons of such failure.—*September* 14, 1837.

80. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.—*September* 14, 1837.

81. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law—*September* 14, 1837—unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the government.—*March* 13, 1838.

82. It shall be the duty of the Committee of Claims to take into consideration all such petitions and matters or things touching claims and demands on the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*November* 13, 1794.

83. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report, from time to time, their opinion thereon.—*December* 14, 1795.

84. It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.—*December* 17, 1805.

85. It shall be the duty of the Committee on the Post Office and Post Roads to take into consideration all such petitions and matters or things touching the post office and post roads as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*November* 9, 1808.

86. It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions and matters or things touching the said District as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*January* 27, 1808.

87. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*June* 3, 1813.

88. It shall be the duty of the Committee on Revolutionary Claims to take into consideration all such petitions and matters or things touching claims and demands originating in the revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*December* 22, 1813.

89. It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.—*February* 26, 1814.

90. It shall be the duty of the Committee on Private Land Claims to take into consideration all claims to land which may be referred to them or shall or may come in question; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*April* 29, 1816.

91. It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.—*March* 13, 1822.

92. It shall be the duty of the Committee on the Militia to take into consideration and report on all subjects connected with the organizing, arming, and disciplining the militia of the United States.—*December* 10, 1835.

93. It shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.—*March* 13, 1822.

94. It shall be the duty of the Committee on Foreign Affairs to take into consideration all matters which concern the relations of the United States with foreign nations, and which shall be referred to them by the House, and to report their opinion on the same.—*March* 13, 1822.

95. It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.—*December* 13, 1825.

96. It shall be the duty of the Committee on Revolutionary Pensions to take into consideration all such matters respecting pensions for services in the revolutionary war, other than invalid pensions, as shall be referred to them by the House.—*January* 10, 1831.

97. It shall be the duty of the Committee on Invalid Pensions to take into consideration all such matters respecting invalid pensions as shall be referred to them by the House.—*January* 10, 1831.

98. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.—*December* 15, 1831.

99. It shall be the duty of the Committee on Patents to consider all subjects relating to patents which may be referred to them; and report their opinion thereon, together with such propositions relative thereto as may seem to them expedient.—*September* 15, 1837.

100. It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the city of Washington which may be referred to them; and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.—*September* 15, 1837.

101. It shall be the duty of the Committee of Revisal and Unfinished Business to examine and report what laws have expired, or are near expiring, and require to be revived or further continued; also to examine and report, from the journal of last session, all such matters as were then depending and undetermined.—*December* 14, 1795.

102. It shall be the duty of the Committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives.—*December* 17, 1805; also to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House.—*December* 23, 1811.

103. It shall be the duty of the Committee on Mileage to ascertain and report the distance to the Sergeant-at-arms for which each member shall receive pay.—*September* 15, 1837.

104. There shall be appointed a standing committee of this House, to consist of three members, to be called the Committee on Engraving, to whom shall be referred by the Clerk all drawings, maps, charts, or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way; which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract by agreement in writing for all such engraving, lithographing, printing, drawing, and coloring as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts, to govern said committee in all allowances for such works; and it shall be in order for said committee to report at all times.—*March* 16, 1844.

105. Six additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duties shall continue until the first session of the ensuing Congress.—*March* 30, 1816.

1. A committee on so much of the public accounts and expenditures as relates to the Department of State;
2. A committee on so much of the public accounts and expenditures as relates to the Treasury Department:
3. A committee on so much of the public accounts and expenditures as relates to the Department of War;
4. A committee on so much of the public accounts and expenditures as relates to the Department of the Navy;
5. A committee on so much of the public accounts and expenditures as relates to the Post Office; and
6. A committee on so much of the public accounts and expenditures as relates to the Public Buildings;

To consist of five members each.

106. It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to require and report particularly—

Whether the expenditures of the respective departments are justified by law;

Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers, establishing their justness both as to their character and amount;

Whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; and

Whether any, and what, provisions are necessary to be adopted, to provide more perfectly for the proper application of the public moneys, and to secure the government from demands unjust in their character or extravagant in their amount.

And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several departments, without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several departments and the accountability of their officers.—*March* 30, 1816.

It shall be the duty of the several Committees on Public Expenditures to inquire whether any offices belonging to the branches or departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary; and to report, from time to time, on the expediency of modifying or abolishing the same; also, to examine into the pay and emoluments of all offices under the laws of the United States; and to report, from time to time, such a reduction or increase thereof as a just economy and the public service may require.—*February* 19, 1817.

107. The several standing committees of the House shall have leave to report by bill or otherwise.—*March* 13, 1822.

108. No committee shall sit during the sitting of the House without special leave.—*November* 13, 1794.

109. It shall be the duty of the Clerk to make, and cause to be printed, and delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or department of the government to make to Congress; referring to the act or resolution, and page of the volume of the laws or journal in which it may be contained; and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.—*March* 13, 1822.

110. It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the journals thereof to the

Executive, and to each branch of the legislature of every State.—*November* 13, 1794.

111. All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the journal of every session.—*December* 23, 1811.

112. Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-arms, and Doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member shall inform the House that he has communications to make which he conceives ought to be kept secret, the House, shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.—*February* 17, 1792, *and December* 30, 1793.

113. All questions relating to the priority of business to be acted on shall be decided without debate.—*February* 21, 1803.

OF BILLS.

114. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the journal; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for; such motion or the bill, when introduced, may be committed.—*April* 7, 1789; *September* 15, 1837; *and March* 2, 1838.

115. Every bill shall receive three several readings in the House previous to its passage; and bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be read twice on the same day without special order of the House.—*April* 7, 1789.

116. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.—*April* 7, 1789.

117. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the Whole House; if to a Committee of the Whole House, the House shall determine on what day—*November* 13, 1794; if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed on the general file on the Speaker's table, to be taken up in order.—*September* 14, 1837. But if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.—*November* 13, 1794.

118. Not more than three bills originating in the House shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.—*December* 29, 1817.

119. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and if carried, shall be considered equivalent to its rejection.—*March* 13, 1822.

120. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.—*April* 7, 1789.

121. All bills ordered to be engrossed shall be executed in a fair round hand.—*April* 7, 1789.

122. No amendment by way of *rider* shall be received to any bill on its third reading.—*April* 8, 1814.

123. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.—*April* 7, 1789.

OF COMMITTEES OF THE WHOLE HOUSE.

124. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.—*April* 7, 1789.

125. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.—*April* 7, 1789.

126. Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the journal.—*December* 18, 1847.

127. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.—*April* 17, 1789.

128. All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.—*April* 7, 1789.

129. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported, as in the case of bills.—*April* 7, 1789.

130. All questions, whether in committee or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.—*April* 7, 1789.

131. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.—*November* 13, 1794.

132. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.—*November* 13, 1794.

133. All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House.—*November* 13, 1794.

134. The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the times of speaking—*April* 7, 1789; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.—*December* 18, 1805.

135. In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside: provided that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and, when demanded by any member, the question shall first be put in regard to them.—*July* 27, 1848.

136. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor—*November* 13, 1794; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present—*March* 13, 1822; nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present.—*April* 26, 1828. The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union—*January* 25, 1848—from the further consideration of any bill referred to it, after acting, without debate, on all amendments pending and that may be offered.—*March* 11, 1844.

137. Except during the last ten days of the session, the Speaker shall not entertain a motion to suspend the rules of the House at any time except on Monday of every week: provided nothing herein contained shall be construed to alter so much of the 136th rule as provided as follows: "The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the committee from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.—*December* 18, 1847.

138. It shall be in order for the Committee on Enrolled Bills to report at any time.—*March* 13, 1822.

139. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House, and Joint Rules of the Senate and House of Representatives.—*September* 15, 1837.

140. No person shall be permitted to perform divine service in the chamber occupied by the House of Representatives unless with the consent of the Speaker.—*May* 19, 1804.

141. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of ten cents each way; but nothing shall be paid for traveling home when the witness has been summoned at the place of trial-—*June* 5, 1832.

142. The Clerk shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution, to members and delegates, of the Journal of the House, together with an accurate index to the same.—*June* 18, 1832.

143. There shall be retained in the library of the Clerk's office, for the use of the members there, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited in the library.—*December* 22, 1826.

144. The Clerk shall have preserved for each member of the House an extra copy, in good binding, of all the documents printed by order of either House at each future session of Congress.—*February* 9, 1831.

145. The Clerk shall make a weekly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of such orders and proceedings, which statement shall be printed for the use of the members.—*April* 21, 1836.

146. The Clerk shall cause an index to be prepared to the acts passed at every session of Congress, and to be printed and bound with the acts.—*July* 4, 1832.

147. The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker, until the further order of the House.—*May* 26, 1824.

148. Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House.—*March* 2, 1837; *September* 11, 1837.

149. No committee shall be permitted to employ a clerk at the public expense without first obtaining leave of the House for that purpose.—*December* 14, 1838.

150. No extra compensation shall be allowed to any officer or messenger, page, laborer, or other person in the service of the House, or engaged in or about the public grounds or buildings; and no person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than an original claimant; and it shall be the duty of the Committee of Accounts to inquire into and report to the House any violation of this rule.—*March* 8, 1842.

151. Upon the engrossment of any bill making appropriations of money for works of internal improvement of any kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately, and others collectively, as the members making the call may specify; and if one-fifth of the members present second said call, it shall be the duty of the Speaker to make such divisions of the question, and put them to vote accordingly.—*February* 26, 1846.

152. The following resolution was passed by the House of Representatives January 30, 1846—*Journal of the House of Representatives, 1st session 29th Congress, page* 323:

"Whereas the Clerk of this House is by law made the responsible officer for the proper disbursement of the contingent fund, and is required to give bond for the faithful disbursement thereof: Therefore,

"*Resolved*, That from and after the passage of this resolution, all contracts, bargains, or agreements relative to the furnishing any matter or thing, or for the performance of any labor for the House of Representatives, be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee of Accounts."

153. It shall be in order for the Committee on Printing to report at any time.—*1st session 30th Congress.*

154. Bills and their accompanying reports from the Court of Claims shall be referred, by the Clerk of the House, to the Committee of Claims; and it shall be in order every Friday morning, immediately after reading of the journal, for the Committee of Claims to report with reference to business from the Court of Claims; the bills reported to be printed and placed on the private calendar.—*May* 16, 1856.

36th Congress, 1st session, House Report No. 58.

RULES OF THE HOUSE OF REPRESENTATIVES.

MARCH 5, 1860.—Ordered to be printed, and committed to the Committee of the Whole House on the state of the Union, and made the special order for Thursday, the 15th instant, and from day to day thereafter until disposed of.

Mr. ISRAEL WASHBURN, jr., from the select committee on the revision of the rules, submitted the following

REPORT.

The select committee to whom were referred the rules of the House of Representatives, beg leave to report the following amendments:

1. Amend *Rule* 4, by inserting after the word "required," in the 8th line, the words, "*by at least one-fifth of a quorum of the members;*" and by striking out the last three lines,

So that it will read:

"Questions shall be distinctly put in this form, to wit: 'As many as are of opinion that (as the question may be,) say ay;' and after the affirmative voice is expressed, 'As many as are of the contrary opinion, say no.' If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required by at least one-fifth of a quorum of the members, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House."

2. Amend *Rule* 6, by inserting after the word "hall," in the 3d line, the words "*and the unappropriated rooms in that part of the Capitol assigned to the House shall be subject to his order and disposal until the further order of the House,*"

So that it will read:

"The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall, and the unappropriated rooms in that part of the Capitol assigned to the House shall be subject to his order and disposal until the further order of the House. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment."

3. Strike out all of *Rule* 14, and insert in lieu thereof:

"*There shall be elected at the commencement of each Congress, to continue in office until their successors are appointed, a Clerk, Sergeant-at-arms, Doorkeeper and Postmaster, each of whom shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and to keep the secrets of the House; and the appointees of the Doorkeeper and Postmaster shall be subject to the approval of the Speaker; and, in all cases of election by the House of its officers, the vote shall be taken viva voce.*"

4. Amend *Rule* 17, by inserting after the word "States," in the fourth line, the words "*and of the Court of Claims,*"

So that it will read:

"No person, except members of the Senate, their Secretary, heads of departments, President's private secretary, the governor for the time being of any State, and judges of the Supreme Court of the United States and of the Court of Claims, shall be admitted within the hall of the House of Representatives."

5. Strike out *Rule* 21.

(Provided for by proposed amendment to Rule 14.)

6. Amend *Rule* 22, by adding at the end thereof the following, viz: "*And all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress as if no adjournment had taken place,*"

So that it will read:

"After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions and reports which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place; and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress as if no adjournment had taken place."

7. Strike out all of *Rule* 23, and insert in lieu thereof the following, viz:

"As soon as the journal is read, and the unfinished business in which the House was engaged at the last preceding adjournment has been disposed of, reports from committees shall be called for and disposed of—in doing which, the Speaker shall call upon each standing committee in their regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the report last under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees shall have been called in their turn. On the call for reports from committees on each alternate Monday, which shall commence as soon as the journal is read, all bills reported during the first hour after the journal is read shall be committed, without debate, to the Committee of the Whole, and, together with their accompanying reports, printed; and if during the hour all the committees are not called, then, on the next alternate Monday, the Speaker shall commence where such call was suspended: *Provided*, That no bill reported under the call on alternate Mondays and committed shall be again brought before the House by a motion to reconsider."

8. Amend *Rule* 25, by striking out the words "of Wisconsin," and inserting in lieu thereof the words "*last organized,*"

So that it will read:

"Reports from committees having been presented and disposed of, the Speaker shall call for resolutions from the members of each State and delegates from each Territory, beginning with Maine and the Territory last organized alternately," &c., &c.

9. Amend *Rule* 26, by inserting before the word "resolutions," in the 1st and 7th lines, the words "*bills on leave and;*" and by adding at the end the words: "*And the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the journal is read shall be referred, without debate, to their appropriate committees: Provided, however, That a bill so introduced and referred shall not be brought back into the House upon a motion to reconsider,*"

So that it will read:

"All the States and Territories shall be called for bills on leave and resolutions on each alternate Monday during each session of Congress; and, if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to bills on leave and resolutions, until all the States are called through. And the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the journal is read shall be referred, without debate, to their appropriate committees: *Provided, however*, That a bill so introduced and referred shall not be brought back into the House upon a motion to reconsider."

10. Amend *Rule* 30, by inserting after the word "Friday" the words "*and Saturday;*" and by adding at the end of the rule "*but when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members,*"

So that it will read:

"On the first and fourth Friday and Saturday of each month, the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of; but when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall be again objected to by at least five members."

11. Amend *Rule* 34, by adding at the end thereof the words, "*Provided further, That the House may, by the vote of a majority of the members present, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all debate upon such section,*"

So that it will read:

"No member shall occupy more than one hour in debate on any question, in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer—*December* 18, 1847—after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee.—*August* 14, 1850: *Provided further*, That the House may, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all debate upon such section."

12. Amend *Rule* 42, by inserting after the word "commenced," in the fifth line, the words "*and before the main question is ordered to be put,*"

So that it will read:

"Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced, and before the main question is ordered to be put; and the question shall then be taken without debate."

13. Amend *Rule* 50, by striking out all after "January 14, 1840," in the tenth line, and inserting in lieu thereof the following, viz: "*but its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion. Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed as though no motion for the previous question had been made. A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present,*"

So that it will read:

"The previous question shall be in this form: 'Shall the main question be now put? It shall only be admitted when demanded by a majority of the members present; and its effect shall be to put an end to all debate, and to bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question; but its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion. Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed as though no motion for the previous question had been made. A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present."

14. Amend *Rule* 53, by inserting after the word "question," in the first line, the words "*before or after the main question is ordered,*"

So that it will read:

"Any member may call for the division of a question before or after the main question is ordered, which shall be divided if it comprehend propositions, &c., &c.

15. Amend *Rule* 58, by striking out all and inserting in lieu thereof the following, viz:

"*The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.*"

16. Amend *Rule* 61 by striking out all after the word "general," in the fourth line, to and including the word "House," in the tenth line.

(Rendered unnecessary on account of the provisions of the printing law.)

17. Amend *Rule* 67, by striking out from the beginning to and including the word "be," in the third line, and inserting in lieu thereof the words "*It shall be the duty of the Sergeant-at-arms,*" and also by inserting after the word "sittings," in the same line, the words "*to aid in the enforcement of order under the direction of the Speaker.*"

So that it will read:

"It shall be the duty of the Sergeant-at-arms to attend the House during its sittings; to aid in the enforcement of order, under the direction of the Speaker; to execute the commands of the House from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker."

18. Strike out *Rule* 72.

(Provided for by proposed amendment to Rule 14.)

19. Strike out *Rule* 73.

(Provided for by proposed amendment to Rule 14.)

20. Strike out *Rule* 74.

(Provided for by proposed amendment to Rule 14.)

21. Strike out all of *Rule* 75, and insert: "*The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of the members.*

22. Amend *Rule* 76, by striking out the word "eight," in the first line, and inserting in lieu thereof the word "seven"; and also by striking out the word "session," in the second line, and inserting in lieu thereof the word "Congress,"

So that it will read:

"Twenty-seven standing committees shall be appointed at the commencement of each Congress, viz:"

Also, by striking out, on page 178, the words "a Committee on Engraving, to consist of three members."

23. Amend *Rule* 78 by striking out the words in brackets.

(See note to said rule.)

24. Amend *Rule* 102 by striking out the the words "and also to audit the accounts of the members for their travel to and from the seat of government."

(See note to said rule.)

25. Amend *Rule* 105 by striking out the word "six," in the first line, and inserting "*seven*" in lieu thereof.

Also, by inserting at the end of the rule the following:

"7. A committee on so much of the public accounts and expenditures as relates to the Interior Department."

(This amendment simply provides for the appointment of a committee in relation to a department organized since the last revision of the rules.)

26. Amend *Rule* 104, by striking out the words "there shall be appointed a standing committee of this House, to consist of three members, to be called the Committee on Engraving, to whom shall be referred, by the Clerk," and inserting in lieu thereof the words "*there shall be referred, by the Clerk, to the members of the Committee on Printing on the part of the House.*"

So that it will read:

"There shall be referred, by the Clerk, to the members of the Committee on Printing on the part of the House, all drawings, maps, charts or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way; which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract by agreement, in writing, for all such engraving, lithographing, printing, drawing, and coloring, as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts, to govern said committee in all allowances for such works; and it shall be in order for said committee to report at all times."

27. Strike out *Rule* 118.

28. Amend *Rule* 119, by adding at the end thereof the words "*whenever a bill is reported from a Committee of the Whole, with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House,*"

So that it will read:

"A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and if carried, shall be considered equivalent to its rejection.

"Whenever a bill is reported from a Committee of the Whole, with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House."

29. Amend *Rule* 120, by adding at the end the words "*and should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill,*"

So that it will read:

"After the commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted; and should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill."

30. Strike out *Rule* 124.

(Provided for in *Rule* 136.)

31. Amend *Rule* 130, by striking out the words "all questions whether in committee or in the House shall be propounded in the order in which they were moved except that,"

So that it will read:

"In filling up blanks the largest sum and longest time shall be first put."

32. Amend *Rule* 135, by adding at the end thereof "*and all debate on special orders shall be confined strictly to the measure under consideration,*"

So that it will read:

"In Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide without debate whether it shall be taken up and disposed of or laid aside: provided that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them; and all debate on special orders shall be confined strictly to the measure under consideration."

33. Amend *Rule* 136, by inserting after the word "present," in the eighth line, the words: "*Nor shall the Speaker entertain a motion to suspend the rules, except during the last ten days of the session, and on Monday of every week at the expiration of one hour after the journal is read.*" And also by inserting after the word "present," in the ninth line, "*make any of the general appropriation bills a special order; and also,*"

So that it will read:

"No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present; nor shall the Speaker entertain a motion to suspend the rules, except during the last ten days of the session, and on Monday of every week at the expiration of one hour after the journal is read. The House may, at any time, by a vote of a majority of the members present, make any of the general appropriation bills a special order; and also suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing, &c.

34. Strike out *Rule* 137.

(This is provided for in *Rule* 136.)

35. Amend *Rule* 138, by inserting after the words "enrolled bills" the words "*and the Committee on Printing,*"

So that it will read:

"It shall be in order for the Committee on Enrolled Bills and the Committee on Printing to report at any time."

36. Strike out *Rule* 147.

(This is provided for by the proposed amendment to *Rule* 6.)

37. Strike out *Rule* 153.

(This is provided for by the proposed amendment to *Rule* 138.)

38. Strike out all of *Rule* 154, and insert the following: "*The bills from the Court of Claims shall, on being laid before the House, be read a*

first and second time, committed to a Committee of the Whole House; and, together with the accompanying reports, printed."

The committee also recommend the adoption of the following resolution:

Resolved, That John M. Barclay, assistant Clerk of the House of Representatives, be, and he is hereby, authorized and empowered to rearrange the Rules of the House of Representatives of the United States, as amended, with a view to make the connection and subject of said rules correspond as nearly as practicable; and that said rearrangement to be made under the direction of the committee on the revision of the rules, together with the Constitution of the United States, Jefferson's Manual, the Rules of the Senate, the Joint Rules of the two Houses, and a revised edition of the Manual lately prepared by said Barclay be furnished by him for the use of the House.

DEBATE ON THE FOREGOING REPORT.

MARCH 15, 1860.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. STANTON in the chair,) and proceeded to the consideration of the special order—being the report of the select committee appointed for the revision of the rules.

Mr. WASHBURN, of Maine. I desire to say, in the first place, to the gentleman from Massachusetts, [Mr. DAWES,] that I had no desire in pressing my motion to prevent him from having the earliest action on the question which he has presented; but I conceived that a good deal of the time of the House might be expended in the discussion of the motion to postpone; and I am anxious that, if possible, we shall get through with this subject of the rules to-day; that such amendments as we may deem wise may be agreed upon, and that we may act hereafter under the amended rules. For I am satisfied, that, if we carry into execution the amendments proposed, we shall save at least one day in every week—that is, we shall do more business in five months than we can do, under the rules as at present, in six months.

Mr. DAWES. I have no desire to interfere with the arrangement which the gentleman from Maine has in his mind about these rules. I only want some early day specified for the consideration of the report of the Committee of Elections, in reference to the New York contested-election case.

Mr. BRANCH. This discussion about an election case is not in order in committee.

The CHAIRMAN. The Chair does not see how a question of that sort is in order in the Committee of the Whole on the state of the Union. There is no question before the committee about postponing an election case.

Mr. DAWES. I am not going to make any motion, but to suggest to the House that I shall call up the case on Saturday.

The CHAIRMAN. The House is in committee.

Mr. DAWES. I am perfectly aware of that. I have the floor by the consent of the gentleman from Maine, to make a statement to the House, that on Saturday, at one o'clock, I will call up the question of the New York contested-election case.

Mr. WASHBURN, of Maine. Mr. Chairman, you know very well that there has been great complaint in the House, growing out of the obstructions to business under the rules. Undoubtedly the rules need amendment, and need it to correct the practices of the House under the rules as they exist, rather than the rules themselves. It has been supposed, and I have heard it stated by many of the older members of the House—I recollect that it was stated by Mr. Stephens, of Georgia—that, in his opinion, our rules were very near the perfection of human wisdom; that all that was required for the speedy and intelligent transaction of the public business before the House, was that the rules should be observed.

It has certainly not escaped your observation, Mr. Chairman, that nearly all the business transacted by the House is done through the good nature of members, outside the rules of the House, by unanimous consent. We are in the habit of giving consent so often to the transaction of business outside the rules, that very little is done under them.

The labors of the committee having this subject in charge, have been confined principally to those amendments which may have a tendency to bring the House to an observance of its rules in the transaction of business.

Now, sir, I will state very briefly and concisely the amendments we have reported; and I will say that all these amendments have received the unanimous consent of the committee; that nearly all of them were contained in the report of the committee on the subject at the last session, and received the unanimous consent of that committee, on which was Mr. Speaker Orr, of the last Congress.

The first proposition is to amend rule 4, by inserting after the word "required," in the eighth line, the words, "by at least one-fifth of a quorum of the members," and by striking out the last three lines, so that it will read:

> Questions shall be directly put in this form, to wit: "As many as are of opinion that (as the question may be) say ay;" and after the affirmative voice is expressed, "As many as are of the contrary opinion, say no." If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required by at least one-fifth of a quorum of the members, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House.

This is substantially the old rule, but is brought into smaller compass, and is stated with more perspicuity.

Mr. BRANCH. I ask the gentleman from Maine whether he proposes to put these rules on their passage at this time?

Mr WASHRURN, of Maine. I do; and I will state the course which I propose to pursue, by the consent of the committee. I propose to go through with some general explanation of the amendments, and then ask that they shall be read by the Clerk, and that the vote shall be taken in the aggregate upon such amendments as no objection shall have been made to. But if any member shall desire a separate vote upon any particular amendment, he will indicate it as it is read, and it shall be considered separately. We can then take up such as a separate vote has been desired upon, one by one, discuss them, and amend them as the committee may think fit, and so dispose of the subject. I ask the unanimous consent of the committee that that course may be taken.

Mr. REAGAN. I think we had better take a little time to look into these rules, and consider them, before we adopt the course the gentleman from Maine proposes.

Mr. WASHBURN, of Maine. I will say to the gentleman from Texas, that many of these amendments are merely changes in form, and to which there can be no objection whatever. I had supposed that, after hearing a general explanation of the amendments proposed, and then, after hearing them read by the Clerk, each member would be able to see that to many of these amendments there can be no objection; and that it would be well enough to allow the vote to be taken upon such amendments in the aggregate, and afterwards take up separately the other amendments for discussion and amendment.

Mr. HOUSTON. I would suggest to the gentleman from Maine that he allow this subject to lie over for a day or two. This report has just been printed, and it is impossible to so amend this report as to perfect it without taking a little time to consider it. There are rules, I have no doubt, which ought to be amended; but I think there will no injury occur from postponing the question for a day or two. If we are to make amendments we ought to do it understandingly; and it will be impossible to do so here to-day. If I could have the report before me, with the opportunity of spending an evening in looking them over, I should be prepared to act upon them; but I am not prepared to do so this morning. I have left my copy of the rules at my room, and I presume many of the other members are in the same condition. If the gentleman from Maine will consent to have this subject postponed for three or four days, or for any time which the gentleman will name, he will enable us to act upon the subject in a more satisfactory manner.

Mr. WASHBURN, of Maine. I will say, in reply to the gentleman from Alabama, that this report was made some two weeks ago; that it has been printed for about a week, and has been in the document-room, where any member could obtain it.

Mr. HOUSTON. I understood that it had just come in.

Mr. WASHBURN, of Maine. No, sir; it has been printed and in the document-room for a week; and I gave notice to the House yesterday that the subject would come up for consideration to-day.

Now, sir, without asking the House to agree to the plan which I have proposed in reference to the manner of acting upon these amendments, I will go on with the explanation which I propose to make; and I imagine the gentleman from Alabama will have no difficulty in understanding the purport of every amendment as it is read, without asking for any further time for consideration.

The second amendment which the committee have recommended, is to insert in rule 6, after the word "Hall," in the third line, the words, "and the unappropriated rooms in that part of the Capitol assigned to the House shall be subject to his order and disposal until the further order of the House;" so that it will read:

> The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall; and the unappropriated rooms in that part of the Capitol assigned to the House shall be subject to his order and disposal until the further order of the House. He shall have a right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

That involves no change in the rules; it simply incorporates rule 147 into rule 6.

The third proposition is to strike out all of rule 14, and insert in lieu thereof:

> There shall be elected at the commencement of each Congress, to continue in office until their successers are appointed, a Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, each of whom shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and to keep the secrets of the House; and the appointees of the Doorkeeper and Postmaster shall be subject to the approval of the Speaker; and, in all cases of election by the House of its officers, the vote shall be taken *viva voce*.

Mr. Chairman, this rule embraces rules 72, 73, 74, and 21, all of which will be stricken out. All the change in reality which is made, is the insertion of the words "and the appointees of the Doorkeeper and Postmaster shall be subject to the approval of the Speaker." That amendment was agreed on by the committee of the last House of Representatives preceding this one. It was thought to be a

proper one by the committee of this session, and it was unanimously agreed to.

Mr. SMITH, of Virginia. Will the gentleman from Maine allow me to suggest that it would be, perhaps, well enough to test the sense of the committee in relation to the consideration of this question at the present time? If he will give way for that purpose, I will move that this report be laid aside.

Mr. WASHBURN, of Maine. I must decline to yield the floor for that purpose, for I am satisfied that unless we take this time for the consideration of this report, we shall never be able to secure a revision of our rules. The report has been assigned for to-day, as a special order, and if it is waived we shall never be able to get it up again. I hope, therefore, the House will go on and dispose of this matter without delay.

Mr. SMITH, of Virginia. Do I understand the gentleman from Maine as proposing to take action upon these amendments to the rules at this time, or is he merely giving his explanation of them?

Mr. WASHBURN, of Maine. I am giving a general explanation of the report of the committee. After I have concluded, I propose that the various amendments shall be taken up separately for discussion.

Mr. SMITH, of Virginia. Will the gentleman from Maine allow me to make the motion to pass by this subject for the present?

Mr. WASHBURN, of Maine. I must decline to yield for that purpose.

Mr. SMITH, of Virginia. Will the gentleman, then, allow me to move to postpone this subject until to-morrow?

Mr. WASHBURN, of Maine. It would not be in order to make that motion.

Mr. SMITH, of Virginia. If gentlemen want to save time, I think they will do it.

Mr. GROW. I think you will save time by going on and finishing up this matter at this time.

Mr. WASHBURN, of Maine. The fourth amendment proposed, is to insert after the word "States" in the 17th rule, the words "and of the Court of Claims;" so that it will read:

No person except members of the Senate, their Secretary, heads of Departments, President's Private Secretary, the Governor for the time being of any State, and Judges of the Supreme Court of the United States and of the Court of Claims, shall be admitted within the Hall of the House of Representatives.

The members of the Court of Claims are in some sort to be considered as a committee of this House, and the amendment only provides that they shall enjoy the privileges of the floor of the House, like the judges of the Supreme Court.

Mr. HARRIS, of Maryland. Is the report of the committee now open to amendment, and are we passing from these amendments?

The CHAIRMAN. The Chair understands that the gentleman from Maine is now upon the floor explaining what is the action proposed by the committee of which he is chairman; and that, when he has concluded, the amendments will be taken up for action, beginning with the first of them.

Mr. HARRIS, of Maryland. Then it is proposed that we shall go back and act upon them one by one, and not that they shall all be considered and acted upon *en masse*?

The CHAIRMAN. Yes, sir; when the gentleman has concluded, the amendments will be taken up separately, and they will separately be open to amendment and discussion.

Mr. WASHBURN, of Maine. Mr. Chairman, I will proceed. The fifth amendment provides for striking out rule 21, that rule being already provided for by the proposed amendment to rule 14.

Mr. HOUSTON. What is rule 21?

Mr. WASHBURN, of Maine. I will read it; it is as follows:

The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities. He shall be deemed to continue in office until another be appointed.

That is provided for by the proposed amendment to rule 14, which provides for all of the elective officers.

Mr. BRANCH. Will the gentleman from Maine inform me by what authority this House can, by its rules, provide for a Clerk continuing in office in the next Congress, when the Constitution says that each House shall elect its own officers? By what authority can we, by our rules, provide a Clerk for the Thirty-Seventh Congress?

Mr. WASHBURN, of Maine. Mr. Chairman, I will answer the gentleman by saying, in the first place, that I do not understand that the report of the committee is now up for amendment; and, in the second place, that the first Congress under the Constitution, on March 1, 1791, provided by a rule of the House that the Clerk should be deemed to continue in office until another be appointed. We are therefore making no change of the rules in that regard—none whatever.

The sixth amendment is to amend rule 22, by adding at the end thereof, "and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress as if no adjournment had taken place;" so that it will read:

After six days after the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place; and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress as if no adjournment had taken place.

Now, sir, there is already a rule which provides that all business before the House, except such business as is before committees, at the time of the adjournment, shall be renewed at the commencement of the subsequent session; and the committee thought it would be a great saving of time if they should provide that bills reported at this session of Congress should come up before the same committees at the second or subsequent session without any new reference. I will call attention of members to joint rule No. 21, as throwing some light on this question:

"After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports which originated in either House, and at the close of the next preceding session remained undetermined in either House, shall be resumed and acted on in the same manner as if an adjournment had not taken place."

The seventh amendment proposed by the committee strikes out rule 23, and, in lieu thereof, inserts the following:

As soon as the Journal is read, and the unfinished business in which the House was engaged at the last preceding adjournment has been disposed of, reports from committees shall be called for and disposed of—in doing which the Speaker shall call upon each standing committee in their regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the report last under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees shall have been called in their turn. On the call for reports from committees on each alternate Monday, which shall commence as soon as the Journal is read, all bills reported during the first hour after the Journal is read shall be committed, without debate, to the Committee of the Whole, and, together with their accompanying reports, printed; and if during the hour all the committees are not called, then, on the next alternate Monday, the Speaker shall commence where such call was suspended: *Provided*, That no bill reported under the call on alternate Mondays and committed shall be again brought before the House by a motion to reconsider.

Rule 23 is as follows:

"As soon as the Journal is read, reports from committees shall be called for and disposed of—in doing which, the Speaker shall call upon each standing committee in the order they are named in the 76th and 104th rules; and when all the standing committees shall have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further, until the other committees shall have been called in their turn."

Gentlemen will perceive that all the change contemplated is this: that on alternate Mondays one hour, after the reading of the Journal, shall be devoted to the call of committees for reports, upon which there shall be no debate, and which shall be referred to the Committee of the Whole, and ordered to be printed, and which shall not be brought back into the House by a motion to reconsider. We know, sir, that we do not get through with the first call of the committees for sixty or ninety days. It is now forty days since the commencement of the business part of this session, and we have not proceeded further than half way through the call of committees.

The committees have many reports which they desire to report, merely for reference to the Committee of the Whole, to be put upon the Calendar and ordered to be printed. As it now is, they cannot have an opportunity to make their reports for weeks to come, and the consequence is, that the members of these committees fatigue the ear of the Speaker day after day, asking for unanimous consent for permission to admit their reports. Nearly every day, hour after hour is occupied with these requests, asking to make reports, merely for reference to the Committee of the Whole. It often happens, too, that when a committee, on a call, makes a report upon which they do not contemplate action, some member interested in it will rise and move that the bill be put upon its passage; and then hours, and it may be days, are consumed in the disposition of a question which ought not, at the time, to have been brought before the House. In this amendment we simply propose to provide a means by which the committees of this House may, upon alternate Mondays, have leave to report bills and joint resolutions upon which they do not contemplate action, and which are presented for reference merely to the Committee of the Whole, and to be ordered to be printed.

The eighth amendment is to amend rule 25, by striking out the words "of Wisconsin," and inserting in lieu thereof the words "last organized;" so that it will read:

Reports from committees having been presented and disposed of, the Speaker shall call for resolutions from the members of each State and Delegates from each Territory, beginning with Maine and the Territory last organized alternately, &c.

The amendment does not change the present practice of the House under the rules.

The ninth amendment proposes to amend rule 26, by inserting before the word "resolutions," in the first and seventh lines, the words "bills on leave and"; and by adding at the end the words "and the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the Journal is read shall be referred, without debate, to their appropriate

committees: *Provided, however*, That a bill so introduced and referred shall not be brought back into the House upon a motion to reconsider"; so that it will read:

All the States and Territories shall be called for bills on leave and resolutions on each alternate Monday during each session of Congress; and, if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion under the rules of the House already established; and the whole of said days shall be appropriated to bills on leave and resolutions, until all the States are called through. And the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the Journal is read shall be referred, without debate, to their appropriate committees: *Provided, however*, That a bill so introduced and referred shall not be brought back into the House upon a motion to reconsider.

Now, sir, we have seen this morning that the time of the House was occupied for some fifteen or twenty minutes, and it would have been occupied much longer if objection had not been made, by gentlemen rising and asking leave to introduce bills for reference to appropriate committees. The committee on the revision of the rules recommend this change, in order that upon alternate Mondays, one hour after the reading of the Journal shall be devoted to a call of the States and Territories for the introduction of bills and joint resolutions on leave, for reference to the several committees of the House, and which shall not be brought back before the House on a motion to reconsider; so that no mischief will result, but, on the contrary, the time of the House will be economized.

The tenth amendment is to rule 30, by inserting after the word "Friday," the words "and Saturday"; and by adding at the end of the rule, "but when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members"; so that it will read:

On the first and fourth Friday and Saturday of each month, the Calendar of private bills shall be called over (the Chairman of the Committee of the Whole House commencing the call where he left off the previous day), and the bills to the passage of which no objection shall then be made shall be first considered and disposed of; but when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall be again objected to by at least five members.

The operation of this amendment is to make Saturday, as well as Friday, an objection day. A large portion of the business on the Private Calendar is transacted on objection days; and the custom of the House, for several years past, has been to ask, very frequently, that Saturday, by unanimous consent, shall be made objection day. And I think it was the sentiment of the last House, and of several preceding Houses, that it would be a saving of time, and it would be an advantage to the public business, if alternate Saturdays, as well as alternate Fridays, should be objection days. Two Saturdays and two Fridays in each month will be objection days, and the other two Saturdays and two Fridays will be discussion days.

And the further amendment is this: on objection day, when no objection is made, a bill is laid aside to be reported to the House with the recommendation that it shall pass. Now, it often happens that a bill is objected to by but a single individual, and but for that objection it would be laid aside. Now, this amendment contemplates that after the Calendar has been called, and a bill has been once objected to, upon a second call of the Calendar any bill before objected to shall be laid aside as not objected to; provided that at least five members shall not rise as objectors. It often happens that when some bill comes up, and some member who is interested desires to see it pass, it may be that some one other member does not understand the merits of it, and objects to it. The member favorable to it, understanding its merits fully, feels that there can be no possible objection to it; but some other person, who does not understand the question as well as he does, or thinks, at any rate, that it will bear discussion and ventilation, objects to it. The member who understands the question as well, if not better, than any one else, feels a little irritated, and says: "If you object to as plain a bill as that, I will object to the entire Calendar"; and thus a whole day will be lost. I have known that, and so have you, Mr. Chairman, to be done over and over again. The committee thought if any member could indicate a valid objection to any bill he could obtain at least five members to second that objection; but that if five members could not be found who, upon their attention being called to the question, would rise and second the objection, that was a very good reason why the Calendar should not be blocked up by objections; and that all bills upon the second reading of the Calendar, though before objected to, should be laid aside as not objected to, if five members shall not then be found to second the objection.

The eleventh amendment is to rule 34, by adding at the end thereof the words "provided further, that the House may, by the vote of a majority of the members present, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all debate upon such section"; so that it will read:

No member shall occupy more than one hour in debate on any question, in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee: *Provided further*, That the House may, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all debate upon such section.

I wish to consider this amendment, and I desire the committee to consider it in connection with an amendment proposed to the 119th rule, upon page 6 of the printed report, in order to fully understand the object to the amendment. The amendment to the 119th rule is as follows:

Add at the end thereof the words "whenever a bill is reported from a Committee of the Whole with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House;"

So that it will read:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and if carried, shall be considered equivalent to its rejection.

Whenever a bill is reported from a Committee of the Whole, with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House.

Now, under the 119th rule, as it has been understood and practiced upon by this House for several years past, it is competent for the majority of the Committee of the Whole upon any bill which shall be before it, no matter how important it may be; it may be a bill appropriating millions of dollars; a bill appropriating $100,000,000 for the acquisition of Canada, or $100,000,000 for the acquisition of Cuba—no matter how important the bill may be that is before the Committee of the Whole, because, by the rules, it must go to that committee, and be there considered—under the 119th rule, as it now stands, it would be competent for the majority of the Committee of the Whole, the moment the committee takes up a bill, to go into the House, and close the general debate; and the majority which carries that motion will vote in the House to terminate the general debate. The House will then resolve itself into the Committee of the Whole again, and the question is resumed again; a member of the majority in favor of the appropriation bill under consideration rises and moves to strike out the enacting clause of the bill. Upon that motion there may be a debate of five minutes in favor, and five minutes debate in opposition to it. No further debate can be had; no amendment is then in order; the question must be then taken in committee, and if it is agreed to, the bill, with that amendment, is reported to the House. The committee, after the discussion of five minutes in favor and five minutes against the motion, is brought to a vote at once upon striking out the enacting clause, without further discussion, and with no opportunity for further amendment.

Well, sir, this majority, that recommends that the enacting clause be struck out, the very moment the bill is reported to the House with that recommendation, vote to disagree to the recommendation of the Committee of the Whole; and then, the previous question having been called, the question is upon ordering the bill to be engrossed, and afterwards upon its passage. So that, under the rule as now interpreted, and under the practice of the House, it is competent, in the Committee of the Whole, to cut off all debate and all amendments of any bill under consideration, and bring it into the House, and then, under the operation of the previous question, put it upon its passage at once. This is a great and flagrant abuse; and we merely propose to carry out the intention of the rules that provide that all appropriation bills shall be considered in the Committee of the Whole. Now, sir, we provide that where a majority in the Committee of the Whole honestly desire that a bill shall be defeated, and vote to strike out the enacting clause, and the same majority vote in the House to concur in the recommendation of the committee to strike out the enacting clause, they can do so as well as they can now. But if the majority desire that the bill should pass, but that there should be no discussion and no amendment of the bill, we desire that that abuse shall be done away with. The committee recommend that if the House non-concurs in striking out the enacting clause, the bill immediately, by force of that vote, shall be returned to the Committee of the Whole, and be placed upon the Calendar again. In that way we defeat the majority in its purpose to deprive members of the opportunity to speak to appropriation bills, or to propose amendments to them. For, if that course is pursued, the bill will either be defeated in the House, by the House concurring in the recommendation of the Committee of the Whole in striking out the enacting clause; or if the House do not concur, the bill will be sent back to the committee, to take its place again upon the Calendar.

Now it may be said that while you are depriving the majority of this power to strike out the enacting clause you should give them some power by which they may bring the discussion in the Committee of the Whole to a termination; by which they may finally bring the House to a vote upon bills for appropriations in the Committee of the Whole. And in order to carry out that idea we propose this amendment to the 34th rule:

Amend rule 34, by adding at the end thereof the words, "*Provided further*, That the House may, by a vote of a majority of the members present, at any time after five minutes' debate has taken place upon proposed amendments to any section of the bill, close all debate upon such section;" so that it will read:

"No member shall occupy more than one hour in debate on any question, in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate

is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer—after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee: *Provided further*, That the House may, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all debate upon such section."

Now, under this rule, as amended, it will be competent for the committee, after the general debate has concluded, and they have been in the Committee of the Whole on five minutes' debate, and that five minutes' debate has proved burdensome and irksome to the House, it will be competent for the majority of the Committee of the Whole to vote to rise, and ask the House for a majority vote to terminate the debate upon the five minutes' amendments, so that if that recommendation shall pass the House the members may return to the Committee of the Whole and offer such amendments as they choose; but debate upon such amendments shall not be allowed.

In this way we thought we could remedy, as far as they could possibly be remedied by the rules, the abuses upon either side—on the one side the abuse under which you may be called to pass these important bills without any opportunity to debate them, either in committee or in the House; and on the other side by the abuse of making Buncombe five-minute speeches—not in order, in fact—upon amendments which they may offer in Committee of the Whole.

The twelfth amendment amends rule 42, by inserting after the word "commenced," in line fifth, the words "and before the main question is ordered to be put;" so that it will read:

Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced, and before the main question is ordered to be put, and the question shall then be taken without debate.

This amendment requires that all motions to excuse a member from voting shall be made before the main question is ordered to be put. That matter explains itself, and I presume no one will object to it.

The thirteenth amendment amends rule 50, by striking out all after "January 14, 1840," in the tenth line, and inserting, in lieu thereof. "but its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion. Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed, as though no motion for the previous question had been made. A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present;" so that it will read:

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and its effect shall be to put an end to all debate, and to bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question; but its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion. Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed, as though no motion for the previous question had been made. A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present.

This amendment has respect entirely to the previous question. In the first place, it changes the effect of the previous question when a motion to postpone is pending. Now, when a motion to postpone is pending, if the previous question is ordered, it cuts off the motion to postpone, and brings the House to a vote upon amendments, if any are pending, and then upon the engrossment of the bill, so that when there is a motion before the House to postpone, there may be an interminable debate upon it. You may not want to come to a vote upon the bill, nor to hear an endless discussion on the motion to postpone. But you cannot stop that debate unless you do it at the expense of bringing the House to a direct vote upon the bill. The amendment provides that the previous question may be applied to a motion to postpone, and shall operate no further than upon that question; so that when that motion is exhausted you shall renew the previous question upon the third reading or the passage of a bill.

So much for the first clause of the amendment. The next clause is:

Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed as though no motion for the previous question had been made.

That is intended to correct this evil. Now, when a question is pending before the House, and the main question is called for, it is seconded. A majority rise and second the call. Some one calls for a division on the question whether the main question shall be ordered. It falls. The main question is seconded, and still the main question is not ordered to be put. The result is, that the question before the House goes over to the next day, under the rules, whereas the true interpretation and true meaning of the word "second" should be simply that of a necessary formula to bring the House to a vote upon the question whether the main question shall be ordered. If the rule is changed, as we propose, and the House shall, after having once seconded the call for the previous question, still refuse to order the main question to be put, the subject before the House shall be resumed as if the call for the previous question had not been seconded, and precisely as if no call for the previous question had been made, instead of going over until the next day.

The last clause of the amendment is this:

A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present.

That is precisely as the rule now stands, with the single exception that it shall be in order for the Speaker to entertain a motion for a call of the House after the previous question is seconded, only in case there shall appear to be, upon an actual count by the House, no quorum present. A call of the House is now in order after the previous question is seconded; but it will not be, if this amendment is adopted, unless, upon an actual count by the Speaker, it shall appear that no quorum is present. In such case, it is highly proper that there should be a call of the House, that a quorum may be brought in.

The fourteenth amendment amends rule 53, by inserting, after the word "question," in the first line, the words "before or after the main question is ordered;" so that it will read:

Any member may call for the division of a question before or after the main question is ordered, which shall be divided if it comprehend propositions, &c.

That needs no explanation, I apprehend. As the rules now stand, you cannot call for a division after the main question is ordered.

The fifteenth amendment proposes to strike out all of rule 58, as follows:

"The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of."

And insert in lieu thereof the following:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

Now, Mr. Chairman, although a bill is pending at the time of adjournment, and the House is just ready to finish it, if the previous question has not been called and seconded, and no motion to recommit is pending, the bill goes to the Speaker's table, and that is the end of it. Ordinarily, not in one case in a thousand, where a bill falls to the table in consequence of an adjournment, can it ever be resumed in order. To prevent that result, this amendment is proposed.

The sixteenth amendment relates to the 61st rule, which is as follows:

"A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster-General, or to print an extra number of any document or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees, and when adopted, the Clerk shall cause the same to be delivered."

The amendment proposes to strike out all after the word "General," in the fourth line, to and including the word "House," in the tenth line.

This amendment is rendered necessary on account of the provisions of the printing law.

The seventeenth amendment relates to rule 67, which is as follows:

"A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings; to execute the commands of the House from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the Speaker."

It proposes to strike out from the beginning to and including the word "be," in the third line, and inserting in lieu thereof the words "It shall be the duty of the Sergeant-at-Arms;" and also by inserting after the word "sittings," in the same line, the words "to aid in the enforcement of order under the direction of the Speaker;" so that it will read:

It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to aid in the enforcement of order, under the direction of the Speaker; to execute the commands of the House from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

It is understood now, by custom, or some parliamentary law, that it is the duty of the Sergeant-at-Arms to aid the Speaker in the enforcement of order. But, that there should be no question about it, the committee thought it wise to provide for it specifically.

The eighteenth, nineteenth, and twentieth amendments strike out rules 72, 73, and 74, which are as follows:

"72. The Sergeant-at-Arms shall be sworn to keep the secrets of the House.'
"73. A Doorkeeper shall be appointed for the service of the House."
"74. The Doorkeeper shall be sworn to keep the secrets of the House."

Those rules are rendered unnecessary by the proposed amendment to rule 14.

The twenty-first amendment strikes out rule 75, which is as follows:

"The Postmaster, to superintend the post-office kept in the Capitol for the accommodation of the members, shall be appointed by the House."

And inserts:

The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of the members.

The 14th rule, if amended, will provide for the appointment or election of a Postmaster.

The twenty-second amendment amends rule 76, by striking out the word "eight," in the first line, and inserting in lieu thereof the word "seven;" and also by striking out the word "session," in the second line, and inserting in lieu thereof the word "Congress;" so that it will read:

Twenty-seven standing committees shall be appointed at the commencement of each Congress, viz:

Also, by striking out, on page 178, the words "a Committee on Engraving, to consist of three members."

In that case there will be but twenty-seven committees instead of twenty-eight. Striking out the word "session," and inserting in lieu thereof the word "Congress," has the effect to provide that the committees shall be appointed for a Congress, instead of for one session, so that it will not be necessary for the Speaker, at the commencement of a second session of Congress, to name the committees anew.

The amendment further proposes to abolish the Committee on Engraving. It is proposed to transfer the duties of that committee to the Committee on Printing.

The twenty-third amendment proposes to strike out certain words from rule 78.

If gentlemen will turn to the present rules, and to the note on page 174, they will find that the words in brackets are stricken out, for the reason that the Committee on Public Expenditures is now charged with the same duties with which the Committee of Ways and Means are charged by the words proposed to be stricken out.

The twenty-fifth amendment is to rule 105, and is to strike out "six," in the first line, and insert "seven" in lieu thereof. It is proposed to constitute a Committee on the Expenditures of the Interior Department, so that there will be seven committees on the expenditures in the Departments, instead of six. The Interior Department has been established since these rules were amended.

The twenty-sixth amendment is to amend rule 104, by striking out the words "there shall be appointed a standing committee of this House, to consist of three members, to be called the Committee on Engraving, to whom shall be referred, by the Clerk," and inserting in lieu thereof the words "there shall be referred, by the Clerk, to the members of the Committee on Printing, on the part of the House;" so that it will read:

There shall be referred, by the Clerk, to the members of the Committee on Printing on the part of the House, all drawings, maps, charts, or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way; which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract, by agreement in writing, for all such engraving, lithographing, printing, drawing, and coloring, as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts, to govern said committee in all allowances for such works; and it shall be in order for said committee to report at all times.

The twenty-seventh amendment is to strike out rule 118, which is in these words:

"Not more than three bills, originating in the House, shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker."

The committee were none of them able to understand what that rule meant, and saw no use in retaining it. They therefore recommend that it be stricken out.

The twenty-eighth amendment is the one proposed to rule 119, which I have already explained.

Mr. SHERMAN. I wish to direct the attention of the gentleman from Maine to the difficulty, under this amendment, of getting a bill out of the Committee of the Whole at any time if ten determined men in Committee of the Whole insist that the bill shall be defeated, even though it may be an appropriation bill. I put it to him, if we adopt the amendment which he proposes, how a bill can ever be got out of the Committee of the Whole on the state of the Union? I merely make the suggestion to him now, whilst he is pursuing his argument, that I may give him notice that when we reach that point in the amendments, I shall move an amendment so as to obviate the difficulty. I think it will be found difficult, if the amendment of the committee is adopted, to get any bill out of the Committee of the Whole on the state of the Union, even an appropriation bill.

Mr. WASHBURN, of Maine. My impression is that the gentleman from Ohio has never seen any practice whatever of the House under that 118th rule.

Mr. SHERMAN. I speak of the 119th rule.

Mr. WASHBURN, of Maine. Well, in regard to that rule, the committee have done the best which they supposed it possible for them to do consistently with the right of discussion in the House.

Mr. HOUSTON. I think it a little doubtful whether the 118th rule ought to be stricken out. I understood the gentleman to say the committee did not understand what the rule meant. I think that the rule is very plain. It simply means that no one Committee of the Whole shall have more than three bills.

Mr. WASHBURN, of Maine. The gentleman will excuse me. The committee have no sort of care whatever about that rule—whether it stands or not. They can see no possible use for it.

Mr. HOUSTON. It is a very plain rule, and I doubt very much whether it ought to be stricken out.

Mr. JOHN COCHRANE. I should like to hear some explanation of this amendment.

The CHAIRMAN. The question is not now on agreeing to the amendment. The gentleman from Maine is making a general explanation.

Mr. WASHBURN, of Maine. I am simply explaining briefly the effect of the amendments recommended by the committee, and some of the reasons for those amendments.

The twenty-ninth amendment is, that rule 120 be amended by adding at the end the words "and should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill;" so that it will read:

After the commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted; and should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill.

Now, sir, it is in order to recommit a bill after it has been engrossed; and in order that an engrossed bill may be amended without going through all the forms now necessary under the rules, this amendment simply provides that when an engrossed bill has been recommitted and there are amendments reported back by the committee, the question shall be again taken on the engrossment of the bill.

The thirtieth amendment provides for the striking out of the 124th rule, which is as follows:

"It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union."

That is provided for by another rule, and is therefore unnecessary.

The thirty-first amendment is to amend rule 130, by striking out the words "all questions, whether in committee or in the House, shall be propounded in the order in which they were moved except that;" so that it will read:

In filling up blanks, the largest sum and longest time shall be first put.

The rest of that is provided for by other rules.

The thirty-second amendment is to amend rule 135, by adding at the end thereof "and all debate on special orders shall be confined strictly to the measure under consideration;" so that it will read:

In Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide without debate whether it shall be taken up and disposed of or laid aside: *Provided*, That general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them; and all debate on special orders shall be confined strictly to the measure under consideration.

Now, sir, when the House is considering appropriation bills and other important measures in the Committee of the Whole on the state of the Union, under the rules of the House, as now construed, the Union generally being said to be under consideration, it is in order to speak upon any question whatever. Members are not confined to the discussion of any measure. But it sometimes happens that it is important, when a measure is committed to the Committee of the Whole on the state of the Union, that there shall be action upon it speedily; and that Buncombe speeches should not occupy the time of the committee, which can be made in the Committee of the Whole upon bills that are not special orders, and when the President's message is before the committee. But whenever the House goes into the Committee of the Whole with a view to act upon some specific measure, and it is necessary that there should be action upon it speedily, the House, under this amended rule, has only by a majority vote to make that particular bill a special order in the Committee of the Whole, and that, then, all debate shall be confined to the question directly before the committee. The gentleman from Ohio will perceive, that if this rule shall be amended, as the committee propose, so that all debate shall be upon the question directly before the committee, it will aid him very much in removing the difficulties which he suggested to me a little while ago.

The thirty-third amendment is to amend rule 136, by inserting after the word "present," in the eighth line, the words "nor shall the Speaker entertain a motion to suspend the rules, except during the last ten days of the session, and on Monday of every week at the expiration of one hour after the Journal is read." And also by inserting, after the word "present," in the ninth line, "make any of

the general appropriation bills a special order; and also;" so that it will read:

No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present; nor shall the Speaker entertain a motion to suspend the rules, except during the last ten days of the session, and on Monday of every week at the expiration of one hour after the Journal is read. The House may, at any time, by a vote of a majority of the members present, make any of the general appropriation bills a special order; and also suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing, &c.

The effect of that amendment is, that on alternate Mondays one hour shall be set aside, not subject to be broken in upon by motions to suspend the rules, for reports of committees for reference to the Committee of the Whole without debate, and without a right to bring them back by motions to reconsider, and that on the other Mondays one hour should be devoted, without being subject to motions to suspend the rules, to the call of the States for bills and resolutions. This amendment is necessary to secure the right which I explained to the House a little while ago.

Mr. MAYNARD. I should like to hear the gentleman from Maine upon a suggestion which I will make to him. It is this: suppose these amendments are made; will it not always be in the power of the dominant majority to restrict and limit the time of debate to such subjects as they may see proper?

Mr. WASHBURN, of Maine. There will be opportunities enough, of course, in Committee of the Whole, upon questions which are not special orders, to indulge in general debate. No question or measure can be made a special order by a majority vote, except the general appropriation bills. With that exception, no measure can be made a special order except by a two-thirds vote, and not then except on Mondays. It leaves the matter, therefore, precisely where it is now, with the exception of appropriation bills. This amendment simply places it in the power of a majority to make the appropriation bills special orders, and provides that, upon special orders in committee, discussion shall not be in order, except upon the subject of such special orders, leaving general debate to go on upon the President's message and upon such bills in committee as have not been made special orders.

Mr. MAYNARD. I am still unable to see how it will be possible, under circumstances which may arise, for the minority to protect its rights in the Committee of the Whole. It will be in the power of the majority to keep special orders before the committee, and prevent all general discussion.

Mr. WASHBURN, of Maine. You can make special orders now under a suspension of the rules by a two-thirds vote. By the amendment reported by the committee, they can be made only in the same way, with the exception of the single instance of appropriation bills; and it seems to me that a majority should have the right to make the appropriation bills special orders. Let me give you an instance. One of the general appropriation bills, with the amendments of the Senate, comes into the House within twenty-four hours, or, perhaps, within twelve hours of the close of a session. The bill is referred to the Committee of the Whole on the state of the Union, and it may be lost there, for the reason that the time of the House may be wasted by general discussion, until the session has expired; while the House may need discussion upon the bill under consideration, which they may have, and still save the bill. That difficulty will be avoided by the adoption of the amendment which we have reported, confining the debate to the measure under consideration upon special orders, and permitting the appropriation bills to be made special orders by a majority vote.

Mr. MAYNARD. I will suggest, then, that the rule be so amended as to provide simply that general debate shall not be allowed upon the appropriation bills.

Mr. WASHBURN, of Maine. The amendment provides that general debate shall not be allowed upon appropriation bills, if they are made special orders.

The thirty-fourth amendment proposes to strike out the 137th rule, which is provided for in rule 136.

The thirty-fifth amendment is to amend rule 138, by inserting, after the words "enrolled bills," the words "and the Committee on Printing;" so that it will read:

It shall be in order for the Committee on Enrolled Bills and the Committee on Printing to report at any time.

That is the same provision as is made in the rules at present.

The thirty-sixth amendment is to strike out rule 147, which is provided for by the proposed amendment to rule 6.

The thirty-seventh amendment is to strike out rule 153, which is provided for by the proposed amendment to rule 138.

The thirty-eighth amendment is to strike out all of rule 154, and insert the following:

The bills from the Court of Claims shall, on being laid before the House, be read a first and second time, committed to a Committee of the Whole House, and, together with the accompanying reports, printed.

The amendment explains itself.

Now, Mr. Chairman, I have but this to say upon the amendments which have been reported: that the committee were unanimous in every recommendation which is made. A majority of the committee were in favor of several amendments which are not printed with this report, and which may perhaps be offered by individual members upon their individual responsibility. We have reported nothing which every member of the committee did not consider necessary and proper.

Now, sir, I will renew the proposition which I made in the outset of my remarks, that in the consideration of these amendments they shall be read by the Clerk, and that when they are read, members shall indicate those which they wish a separate vote upon; then let us vote in the aggregate upon such amendments as no objection shall have been made to, after which we may go back and take up the other amendments separately, and discuss them and act upon them.

Mr. VALLANDIGHAM. Will that preclude amendment?

Mr. WASHBURN, of Maine. No, sir. And then I propose, after our report shall have been gone through with, that the rules may be taken up *seriatim*, if desired, and amended.

Mr. VALLANDIGHAM. I do not object to that arrangement.

Mr. HOUSTON. I object to it, for this reason: When an amendment is taken up for consideration, I may be in favor of it with a modification which may be made, but if a majority of the committee vote against the modification I may be opposed to the amendment as reported by the committee.

Mr. WASHBURN, of Maine. I think the gentleman does not understand my proposition.

The CHAIRMAN. In the absence of any rule which will apply to the consideration of these amendments, the Chair will consider them as he would amendments of the Senate. He will put the vote upon each separately, whether the committee will adopt or reject it.

Mr. BOCOCK. As one of the committee which reported these amendments to the House of Representatives, I desire to say a very few words. I do not think I shall occupy the attention of the committee, at this time, for more than five minutes. I wish merely to say, in relation to the proposition of the gentleman from Maine, [Mr. WASHBURN,] as to the manner of voting upon these amendments, that I do not believe any time will be gained by the course he proposes to pursue. So far as I am concerned, I am perfectly willing to adopt that course; but I think, perhaps, it will be as well to adopt the usual course in Committee of the Whole, and vote upon each amendment separately, as it comes up for consideration.

Mr. WASHBURN, of Maine. I will say to the gentleman from Virginia, that I am perfectly willing that course should be adopted if he thinks it advisable.

Mr. BOCOCK. I wish to remark, in relation to this whole matter, that I was in hopes the consideration of these amendments, at this time, would lead to a pretty full and thorough discussion of the rules of the House of Representatives. Nothing is more common, nothing is more fashionable, both here and in the country, than to bring up the rules of the House of Representatives, and subject them to prompt trial and condemnation. Whatever goes wrong in the House of Representatives, whatever a man has to explain before his constituents, he is very apt to attribute to the rules of the House of Representatives. Well, sir, there are in these rules very many things which, to many, may appear objectionable. But if they are to be dispensed with, the question is, how can we substitute matter in their place that will better promote the public business? The great object of rules is to enable the majority of a delib rative body to secure the greatest dispatch of business in a manner consistent with the rights of the minority. In other words, to enable the majority to dispatch business in such a manner as will not require the minority to vote upon propositions before they have had the opportunity of considering them. You have, then, in such a body as this, to impose restrictions upon a minority, but, at the same time, you should enable them, by the whole tenor of your rules, in the best possible way, to make their views distinctly known.

Mr. Chairman, it is a common practice to complain of the rule which allows one member of the House of Representatives to object to a bill, and thus to throw it over. That is a rule in favor of the dispatch of business rather than against it. Suppose that you had no such rule, and the Private Calendar came up: a bill might be considered which would occupy days and weeks in the discussion. Gentlemen would claim the right to discuss it. Behind that bill might be various other bills to which there would probably be no objection; therefore those bills to which there would be no objection, and which might at once go through, are held back until this important bill, which is of doubtful propriety, has been discussed at length. You will see, then, that by enabling a member to throw over bills which are liable to discussion, you thus open the way for such bills as are not liable to objection, to be passed promptly. I only mention that as an instance of a rule which tends to the dispatch of business, but which is regarded by the members of this House and by others elsewhere who have not deliberately considered it, as doing the very reverse. Nothing is more common than to hear men say that it is hard to permit one member of the House of Representatives to defeat the passage of any bill. In reality, one member does not defeat the passage of a bill; but his objection only throws it over out of the way of bills to which there is no objection, and puts it in its turn upon what I may term the argument docket.

There is another thing to which I call attention. We have here a

very large number of members—two hundred and thirty-two—one-half of whom are necessary to constitute a quorum. With that number of members present, all anxious to speak upon every important measure, it must be perceived that it is impossible all can be heard. Some must be cut off. When gentlemen are cut off from making their remarks they are, as we know, in the habit of visiting all the blame upon the rules of the House, when in truth the evil is one inherent to our very condition. In the British House of Commons there are some five or six hundred members, and of them only forty members are necessary to constitute a quorum to do business. With these forty members, as it is with the Senate of the United States, each one may be heard of those who are disposed to speak, to a greater or less extent, upon every important question brought up for consideration. There, then, no member has reason for complaint.

Generally there are one hundred and fifty or two hundred members present here. Almost every one of them, on an important question, will wish to address the House and the country. Each man has some peculiar view which he thinks is going to create a sensation in this House, and if not here, at least in the district which he represents, and throughout the country at large. Each member here has, he thinks, to establish a reputation of being an orator, a statesman, and a satirist, and that to do that he must speak upon all important questions. A friend near me adds, that he thinks he must be also an economist. Suppose, then, you have an important question before this House. There are one hundred and fifty members in this House whose brains teem with ideas which each one holds bear intimately upon the interests of the country and the destinies of mankind; whose brains, like those of Jupiter when about to give forth Minerva, the Goddess of Wisdom, are throbbing in agonies of thought, so that they cannot resign themselves to silence. They must speak, Mr. Chairman; wisdom must find utterance, if not through a fissure of the head, at least through their mouths. Then upon every important question one hundred and fifty speeches are to be made. Each speech requires an hour for delivery. We sit about four hours each day. The morning hour is consumed in other business, and we have then about three hours each day for speeches. Divide one hundred and fifty by three, and that would give us fifty days for each important question. Think of it! And yet such would be the result of a practice that would give the right to every member to debate each question that may arise.

Now, Mr. Chairman, we have upon our Calendar every year some five or six hundred bills. I state the number roughly, of the bills which are upon our Private and upon our Public Calendar. You are aware, sir, that of that five or six hundred bills only some, scarcely more than half, are ever acted upon during a Congress. Then you must put it in the power of a majority to determine which shall have precedence. Then, sir, every member whose bill is not acted upon at the conclusion of a Congress, and which is thrown over, visits the blame of that condition of things upon the rules of the House of Representatives. If it were ordered that each particular bill reported from a committee, and placed upon the Calendar, should be set down in its proper position, and come up in its turn for consideration, and if it were ordered that each one should be passed upon in its turn, it would take a great deal of time, it is true; but then, sir, it would avoid the wrangling and contention produced by members contesting which shall get the lead and have his bill acted upon, to the exclusion of other bills. You find gentlemen here who will tell you day after day that they do not wish to consider all the bills upon the Calendar; that a great many of them are bad bills, and that the best way to get rid of them is to allow them to sleep upon the Calendar. If that be done, you know that there are friends of these bills who, when defeated in securing the consideration of their bills, visit the blame upon the rules of the House of Representatives.

Mr. COBB. Some members want to have the floor four or five times upon the same measure.

Mr. NOELL. The explanation of the gentleman from Virginia is very satisfactory to me so far as it goes. One thing I would like to hear him refer to, and that is the necessity for the previous question. I want to know whether he recognizes the propriety of the system in vogue here of passing bills reported from committees under the operation of the previous question, without debate? How often is it the case that a minority is gagged upon a measure important to all interests in the country, which is before this House for action?

Mr. BOCOCK. I intended, before closing my remarks, to refer to that very subject.

Mr. NOELL. I want the gentleman from Virginia to tell us why it is proper that such a despotism should exist here as the previous question?

Mr. BOCOCK. I intend to come to that. I object to that as much as my friend from Missouri. I have been thinking on the subject since this report was made by the committee on the revision of the rules. It has occurred to me that there is an evil there which might, to some extent, be remedied. It is true that we cannot, to the fullest extent, remedy the evil of which the gentleman from Missouri complains, for the reasons I have already stated. Take the homestead bill. Each one of us has a constituency at our back, who wishes to hear our special views upon that bill. Each one of us, as I said before, has some important idea which he believes will tell upon the interests of the country and the destinies of unborn generations, and therefore we all want to speak. Suppose that each one of us makes an hour speech——

Mr. NOELL. I do not mean that every member should have the privilege of speaking; but I do insist that the whole body of the minority shall not be cut off from the expression of their views when an important question is before the House.

Mr. BOCOCK. I agree with the gentleman from Missouri. It is an evil which cannot be entirely remedied. It has occurred to me, and I have suggested it to some friends around me, that there is an evil which may be corrected. In the event that a member of a committee reports a bill to the House, explains his views upon it, and, before taking his seat, calls for the previous question, and a majority then second the call for the previous question, and the main question is ordered, I think the evil complained of could be remedied by making a provision that the House should not be required to vote upon it, if there was a disposition on the part of the minority, through one of its members, to suggest anything in opposition. It occurred to me, before my friend from Missouri referred to the subject, that we ought to incorporate in our rules a provision that when a bill is reported and the previous question is demanded the previous question shall not be sustained until one member is heard in opposition to the bill. In that way, though all would not be gratified, some one could get the floor, and by his own views and such suggestions as he might get from others—and we all know that gentlemen now-a-days are very willing to give their friends, as well as their foes, every suggestion that may be deemed necessary—might bring forward the views of the minority. And it would be out of the power of the majority to force the House to vote upon a bill or joint resolution without its merits being discussed to some extent.

Mr. NOELL. With the permission of the gentleman from Virginia, [Mr. BOCOCK,] I would ask how it happened that upon the homestead bill no man was allowed to speak in opposition to it.

Mr. BOCOCK. I think it happened in this way: that, in pursuance of the rules of this House, if I recollect aright, the member from the State of Illinois, [Mr. LOVEJOY,] perhaps before he got the floor, had gone around among the friends of the proposition, and told them that, when he reported the bill, he was going to put it upon its passage, and asked them to support him in his demand for the previous question; and he then called for the previous question as soon as he reported the bill, and in that way it was passed.

Mr. NOELL. Does the gentleman from Virginia [Mr. BOCOCK] say that there is any rule of the House that can be abused in that way?

Mr. BOCOCK. I think there is such a rule. The gentleman must not understand me as saying that such a rule is right. I only say that such a rule exists; and if, in considering these amendments, the gentleman can suggest some amendment which will perfectly remedy that state of things, I shall be greatly obliged.

Mr. HOUSTON. I desire to hear my friend from Virginia [Mr. BOCOCK] speak to another point, which I think highly important, and which was intended originally to be embraced in the rule which requires bills appropriating money to go to the Committee of the Whole on the state of the Union, without a two-thirds vote is had to suspend that rule. I think that rule was intended to include not only the money bills, but the bills which appropriate the property of the Government; the public lands, for instance, to railroads and homesteads, and everything else; or any property of the Government; requiring them all to go to the Committee of the Whole, as a bill appropriating money now goes to the Committee of the Whole. Certainly, in my estimation, the same reason that would require a bill appropriating money to go to the Committee of the Whole on the state of the Union would require that a bill appropriating the property of the United States should go there likewise. I would like to hear the views of my friend from Virginia [Mr. BOCOCK] upon that subject.

Mr. BOCOCK. I agree with the gentleman from Alabama [Mr. HOUSTON] in all that he has said; and I will say, in connection with the same point, what I was about to say in answer to my friend from Missouri, [Mr. NOELL.] In order to understand the operation of the legislative practice of other countries, I have examined somewhat attentively the rules under which the business of the British Parliament is conducted, and I find that it is not in the power of a majority of the House of Commons, at any time, to force the minority to vote upon a proposition, unless that minority has had an opportunity to be heard against it. I think that is an example worthy of being followed by us. We ought at least to allow one member of the minority to be heard in answer to any proposition brought forward here. And I would also say, in answer to the reply of the gentleman from Alabama, [Mr. HOUSTON,] that, as is well known to you, Mr. Chairman, and doubtless to the members of this committee, in the British Parliament all bills for supplies are raised by the House of Commons; and they have extended that rule to all propositions imposing or leading to the imposition of taxes upon the people; and therefore the technical distinction that we observe here does not obtain there. We claim that that clause of the Constitution which requires that money bills should originate in the House of Representatives does not apply to the pension bills, and other bills which make a demand upon the people, but which does not levy a tax to pay those demands. In the British Parliament they consider these bills to stand upon the same footing. If that be so, any general bill that

disposes of the property of the people might very well be considered as standing upon the same footing; as, for instance, a bill giving so large a quantity of land as the bill acted upon the other day. Therefore, I think such a bill as that should have been considered in the Committee of the Whole; fully, deliberately, and maturely considered; for I consider that to have been one of the most important bills that ever came before this Congress.

I did not intend to discuss the merits of this measure now. I do not intend to enter now upon anything like a full discussion of the amendments; that has been done by the gentleman from Maine, [Mr. WASHBURN.] The rules of the House of Representatives have long been a subject of discussion, both in the House of Representatives and in the country. We have now a series of amendments before us. We do not pretend that these amendments will perfect the rules; but we think they do good as far as they go. We have the suggestions of five gentlemen of a body composed of two hundred and thirty members. Other amendments may be suggested in the progress of the discussion of this subject. I would suggest that it would be well for members, while this subject is under consideration, and while their minds are brought to bear upon it, to endeavor now to make the rules of the House of Representatives as nearly perfect as it is in our power to do. So far as these particular amendments of the committee are concerned, I concur with the gentleman from Maine [Mr. WASHBURN] in recommending them, and shall probably unite with him in endeavoring to have them favorably acted upon. But if, in the course of this discussion, anybody shall show me that any of them are wrong or improper, and will operate to the injury of the business of the House or the rights of any portion of its members, I hold myself perfectly free to vote against them, though they were reported by the committee with my approbation and consent. But if the chairman of the committee, [Mr. WASHBURN, of Maine,] or anybody else, can show any good reason why these amendments should be adopted, and no other person can show stronger reasons against them, I hope they will be adopted.

The Clerk then read the first amendment, as follows:

Amend rule 4 by inserting after the word "required," in the eighth line, the words, "by at least one-fifth of a quorum of the members," and by striking out the last three lines; so that it will read:

Questions shall be distinctly put in this form, to wit: "As many as are of opinion that, (as the question may be,) say ay;" and after the affirmative voice is expressed, "As many as are of the contrary opinion, say no." If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required by at least one-fifth of a quorum of the members, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House.

The amendment was agreed to.

Second amendment:

Amend rule 6, by inserting after the word "Hall," in the third line, the words, "and the unappropriated rooms in that part of the Capitol assigned to the House shall be subject to his order and disposal until the further order of the House;" so that it will read:

The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall; and the unappropriated rooms in that part of the Capitol assigned to the House shall be subject to his order and disposal until the further order of the House. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

Mr. HOUSTON. I would like to know who has control of the unappropriated rooms now?

Mr. WASHBURN, of Maine. The Speaker, as provided by rule 147. We strike it out there and insert the authority here.

The amendment was agreed to.

Third amendment:

Strike out all of rule 14, and insert in lieu thereof:

There shall be elected at the commencement of each Congress, to continue in office until their successors are appointed, a Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, each of whom shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and to keep the secrets of the House; and the appointees of the Doorkeeper and Postmaster shall be subject to the approval of the Speaker; and, in all cases of election by the House of its officers, the vote shall be taken *viva voce*.

Mr. MAYNARD. I desire to propose an amendment to this amendment, and as it is a matter of some consequence, if the committee will indulge me, I will explain it in a very few words. I propose to insert after the word "Clerk" the words "Financial Clerk;" and after the word "Doorkeeper" the word "Librarian." The object of the first amendment is to remove the disbursement of the contingent fund of the House entirely from under the control of the officers now having it in charge. At present we know that the Clerk is made the disbursing agent of the House for its contingent fund, which amounts to between one and two million dollars a year; not perhaps at the present time; but in years past. I am speaking of former Congresses, and I spoke of them because I had occasion to investigate the subject and to know the facts.

The Clerk is also made the agent of the Government to purchase supplies to a very large amount. A large sum of money is placed under his control, with very slight restrictions upon him as to its disposition. The money is at present paid out by an officer called the chief clerk. That officer is the appointee of the Clerk himself; and, of course, is subject to his control, and is subordinate to his will.

The money which is applied to the payment of the mileage and compensation of members of Congress is disbursed by the Sergeant-at-Arms. The object of this amendment is, instead of a chief clerk, who holds an office under the Clerk of the House, and acts in subordination to him, to have a distinct officer, who shall be elected by the House, be responsible to the House, and wholly independent of the Clerk; and whose duty it shall be, not only to disburse the moneys now disbursed by the chief clerk, but also that now disbursed by the Sergeant-at-Arms in the payment of members.

The other branch of the amendment provides that the Librarian of the House shall be an elective officer, instead of an appointed officer. And I propose that with the library should also be connected the document-room and the folding-room. I would disconnect them from the office of Doorkeeper.

I have stated in these few words the character of the amendment I have offered, and the effect it would be likely to have; and I will, as part of my remarks, have read a statement prepared and submitted to me by a person represented to be of great experience, and which, I am told, has received the approbation of at least one of the oldest and ablest congressional economists in the country. I ask for the reading of the paper, for it seems to me to be worthy the attention of the House.

The communication was read, as follows:

"It is very strange that the House of Representatives do not make a change in the mode and manner of disbursing its expenditures. As now made, the system is certainly very defective and needs such alterations as will insure it against loss, should its offices ever be filled by dishonest men disposed to make money out of their situations, beyond the salaries appropriated by law. A stricter accountability is needed, and a check should be put upon all the disbursing officers by a division of the responsibilities. For instance: the Clerk of the House now contracts for and makes the purchases, examines the samples, certifies to the accounts being correct, and finally closes the business by making payment. This is all wrong, and leaves a wide field for fraud; for certainly no officer should be permitted to be the purchaser and disburser at the same time; and it is plain to be seen that a dishonest Clerk, corrupt contractors, and a willing and pliant pay clerk, a creature of the Clerk,) could fleece the Government out of a handsome fortune during a Congress; and the Clerks accounts might appear so correct and satisfactory as to pass the House committee and the Comptroller of the Treasury without a moment's hesitation. To obviate this inconsistency, the Clerk should have his appropriate duties to perform; among them, the contracting for purchasing and certifying to the correctness of all the required merchandise and wants of his office; but in no case should he be permitted to make payment therefor, or to control the disbursements. This should be done by a separate and distinct officer—'a disbursing clerk.' This officer should not be an appointee of the Clerk of the House, nor owe him obedience; but should hold his commission directly from the House, and be responsible to it alone; should be perfectly free to examine every voucher presented for payment, and for all his acts should be held accountable to the Committee on the House Expenditures. The proposals, contracts, and samples, after the purchases are made, should be passed over to him, to enable him to judge of the correctness of an account before payment is made.

"Much could be said; but, to be brief, this change would be beneficial in many respects, and it would certainly prevent peculation, fraud, letting out the binding, printing, and stitching, supplying stationery, &c., to friends on the division principle, and thereby relieve a just and upright Clerk from any suspicion resting upon him. To such person the change would be most satisfactory; but to a Clerk disposed to make more out of his office by adroit and well-laid plans than his salary or the law allows, it would prove to be a position far less profitable than it is generally thought, and the change would not add one cent additional cost to the Treasury.

"The Sergeant-at-Arms: This office has decome very desirable—almost as much so as the Clerkship—on account of the incumbent being made the agent for paying out a very large amount of money as salary and mileage to the members. This should be stopped, and the Sergeant-of-Arms relieved of any duties except those strictly pertaining to his office.

"In the British House of Commons, perhaps the best organized legislative body in the world, the Sergeant-at-Arms is at all times, when the House is in session, at his post and within eyesight of the Speaker. But in the United States House of Representatives the 'officer who executes the commands of the body in preserving order and punishing offenses,' is seldom seen in the performance of his legitimate duties as Sergeant-at-Arms, his whole time being taken up with other duties in no way connected with his official position—the disbursement of more than a million dollars annually.

"Pay and mileage to members should be made by a cashier to the Speaker, appointed by, and responsible to, that high officer.

"The Doorkeeper: This officer should also be relieved of all duties except such as he is appointed to perform; and there should be taken from him a large part of the immense patronage he controls, and the same should be dispensed by much higher authority. He should have the nomination of the assistant doorkeepers and pages, subject to the confirmation of the Speaker, and nothing else. Respect for the morals of the nation requires that this change should be made. It is certainly wrong that this humble officer of the House of Representatives should be permitted to wield a greater patronage than many of the first officers of the Government.

"The House Librarian: The appointment of this officer should be taken from the Clerk, and receive his commission by election. He should have charge of the document and folding rooms, and all his nominations should be subject to the confirmation of the Speaker.

"The foregoing changes would add greatly to the completeness of the House organization, put a stopper to many of the reported evils, and at the same time lessen the sums now paid under the present system. All the salaries are too high, otherwise humble positions would not be sought after by ex-members, ex-Governors, and leading politicians all over the country."

Mr. MAYNARD. The suggestions of the latter part of that paper I had not in my mind when I spoke of its contents. They must stand upon their own merits for whatever they are worth.

I will say, in addition to what I have already remarked, that during the last session of Congress, it happened to me to be connected with a committee to investigate the affairs of the Clerk's office. I became satisfied, as I presume every gentleman associated with me was, that the contingent fund of the House might, at least, be much better guarded and protected than it now is. The amendment I have

proposed creates no new office; but proposes that the officer, who is called the chief clerk, under the Clerk, shall be an elective officer of the House, independent of the Clerk; and that it shall be his duty to take charge of the contingent fund, and attend to the entire disbursement of the moneys of the House to the employés and to members.

It proposes also that the Librarian, instead of being, as he now is, an appointee of the Clerk, shall be an elective officer, holding office by the appointment of the House; and that he shall have the control of the document-room and folding-room. Upon what principle they are connected with the office of Doorkeeper I do not know. What the duty of the Doorkeeper has to do with the folding and distribution of documents I confess I do not very well understand; but I can see great propriety in connecting those departments with the library, and elevating the Librarian to the dignity of an officer elected by the House. Should any additional legislation be necessary to give effect to this amendment, it can be effected without difficulty. We may as well begin the reform in this way as in any other.

Mr. GROW. Mr. Chairman, the amendment proposed by the committee to this rule only groups in one rule a number of rules. It does not change the duties of any of these officers. What the gentleman from Tennessee proposes by his amendment might be very well in the shape of legislation, and it belongs properly to the committee that has charge of the printing, binding, and furnishing of materials to the Government. The folding-room needs overhauling, and the mode of furnishing supplies to it. But I do not think that the proper mode to correct abuses in the Government is in the rules of the House. The law fixes the duties of the Clerk, and if you make an additional clerkship here—which is the amount of the gentleman's proposition—all the laws in relation to the Clerk must be changed. If it is proper to have this additional clerk and this superintendent of the document and folding rooms, it must be done by legislation fixing their liabilities and responsibilities, and not by a rule of the House simply creating the office. I believe that that kind of legislation would be very bad legislation.

Mr. KUNKEL. I concur generally in the views expressed by the gentleman from Tennessee, [Mr. MAYNARD,] who proposed this amendment. I also concur in the suggestion made by the gentleman from Pennsylvania, [Mr. GROW,] with reference to the impropriety of now framing the rules of the House in a manner not applicable to the present law as it exists, as well as the custom of the House prevailing since the organization of the Government.

I am sensible, as a member of the committee under whose control the contingent expenses of the House are disbursed; that great reformations on the points alluded to by the gentleman from Tennessee are required in order to secure an economical administration or distribution of the contingent expenses of Congress. It will, perhaps, surprise some members of this House to be informed that the contingent expenses of the Congress of the United States amount to over three million dollars, most of which sum is expended under contracts made by the officers of the two Houses, and paid by the officers who make the contracts. There are great abuses existing in this department of the Government, so far as relates to the expenditures of public money; and there are no adequate means now, so far as I am informed, to restrain profuse extravagance and reckless expenditures in the disbursements of the miscellaneous or contingent expenses of the Congress.

Mr. MAYNARD. As I have no opportunity to reply under the rules of the House, I will ask the gentleman from Maryland a single question. I ask him whether he, as chairman of the Committee of Accounts of the last Congress, and a member, I believe, of the same committee of this, does not know the fact to be that a dishonest clerk, a contractor, and a dishonest chairman or other member of that committee, if they chose to combine, might fleece the Government out of thousands?

Mr. KUNKEL. I have no doubt of that, sir. Sad evidence was presented, in the experience of the last two Congresses, of the enormous amounts of money paid improvidently and against law by combinations outside with parties who furnish supplies to the House, and it has been very well alluded to by the gentleman from Tennessee. I concur in the views which he has expressed, but I would suggest to him that, inasmuch as he has already, by a resolution which has been adopted by the House, instructed the Committee of Accounts to inquire into and report what alterations should be made in the existing law, in reference to the disbursement of this fund, so as to hold the officers of the House to a stricter accountability for these expenditures, it would be more appropriate to wait until a report comes from that committee, who may make suggestions for the consideration of the House, than at present, without any positive law existing on the subject, to shape and form rules prospectively, to meet any alterations that might be proposed by that committee, to which the subject has been referred.

AMENDMENT OF THE RULES—AGAIN.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. KUNKEL. Mr. Chairman, when I was interrupted, I was about to conclude my remarks by making an appeal to the gentleman from Tennessee to withdraw his proposed amendments to the rules, which ought to be shaped upon the existing law, as it stands, and the custom of the House, rather than shaped in view of any prospective alterations that the committee which has the subject in charge may recommend to the House.

Mr. MAYNARD. Do I understand the gentleman to say that the Committee of Accounts have this subject under consideration?

Mr. KUNKEL. They have, under the resolution, I believe, of the gentleman from Tennessee himself, instructing them to inquire into and report to the House what alterations should be made in the law respecting the disbursement of the contingent fund of the House.

Mr. MAYNARD. With that information, I will not anticipate the action of the committee by pressing the subject further on the House at this time. I withdraw the first branch of my amendment, and ask a vote of the committee on the second branch of the amendment making the Librarian an elective officer of the House, instead of an appointee of the Clerk.

The question was taken, and Mr. MAYNARD'S amendment was disagreed to.

The third amendment reported by the committee was then agreed to.

Fourth amendment:

Amend rule 17, by inserting after the word "States," in the fourth line, the words, "and of the Court of Claims;" so that it will read:

No person, except members of the Senate, thier Secretary, heads of Departments, President's Private Secretary, the Governor for the time being of any State, and judges of the Supreme Court of the United States and of the Court of Claims, shall be admitted within the Hall of the House of Representatives.

Mr. HARRIS, of Maryland. I desire to suggest the following amendment to that amendment:

After the words "members of the Senate," insert "members of previous Congresses."

Several MEMBERS. Oh, no; do not offer that.

Mr. HARRIS, of Maryland. I make this suggestion because it occurred to me, in the last Congress, when this rule was adopted, that there was an impropriety in the exclusion of ex-members from this floor.

Mr. VALLANDIGHAM. I ask the gentleman from Maryland to modify his amendment so that the clause shall read as follows:

Senators, Representatives elect, and ex-members of the House not prosecuting claims personally, nor as agents, before Congress, shall be admitted within the Hall of the House of Representatives.

Mr. HARRIS, of Maryland. No, sir; I prefer my amendment as I have suggested it.

Mr. VALLANDIGHAM. Then I will offer my amendment as a substitute for that of the gentleman from Maryland.

The CHAIRMAN. The gentleman from Maryland is entitled to the floor.

Mr. HARRIS, of Maryland. I will yield for the purpose of allowing the gentleman from Ohio to introduce his amendment, but I will remark that it does not strike me that it will accomplish the purpose for which my amendment was offered. I offer my amendment as a compliment to these persons. Gentlemen who have for half a dozen Congresses been associated in this body in their Representative capacity, I think, as a matter of courtesy, ought to be permitted to come upon this floor. When gentlemen have been here representing the people of a congressional district, as many upon this floor have been for ten or fifteen years, and even for a longer time, and when they retire from public life and visit this city, it is proper, it is nothing but fair, nothing but a deserved compliment, that we should recognize their former position by giving them the privilege, if they desire it, of coming upon the floor of the House. It is only as a compliment to them that I suggest it. If any gentleman, having occupied a seat in this Hall, as a member of this House, returns to Washington in the position of an agent for any particular claim before the House, and desires to come upon the floor for the purpose of enforcing his claim on the members of the House, then that gentleman, ex-member of Congress though he is, does not come within the scope of the suggestion that I make. I do not desire to confer any such compliment upon a gentleman who comes here on any such business. But if the suggestion of the gentleman from Ohio is adopted, I do not see that anything will be accomplished. Suppose he comes here as a claim agent: who is to inquire, who is to ascertain, whether the ex-member, who presents himself under this rule, if it be amended as my friend from Ohio suggests, has or has not any connection with any claim before Congress?

Mr. VALLANDIGHAM. It is to be ascertained in precisely the same manner that the right of others who apply for admission upon the floor are ascertained. If a Governor of a State applies for admission on the floor, under this rule he must furnish such evidence as will be satisfactory to the Doorkeeper of his right of admission. Under the rule, as it now exists, if the Doorkeeper ascertains that any person not entitled to the privileges of the floor is here, he will have him removed, or the attention of the Speaker may be directed to the fact, and he will order the removal of such person.

Mr. HARRIS, of Maryland. Now, sir, I have been struck, during this session, as I was during the last session, with the fact that some gentlemen, who had been for years past connected, in successive Congresses, with the administration of affairs in this body; who had

won for themselves a reputation in the councils of the country, and who, on visiting this city, because they were possessed with the idea that, as gentlemen, they had no right under the rule that existed at the last session, and exists now, to avail themselves of the opportunity afforded to others by the laxity on the part of the Doorkeeper in enforcing the rule, had studiously, and at great personal inconvenience, as they desired to have conference with members upon the floor, kept aloof from the Hall. I, myself, have seen such gentlemen, to the mortification of their friends upon this floor, taking their places in the crowded galleries of the House, when, by every right of gentlemanly courtesy and consideration, they should have been permitted to come upon the floor.

Now, sir, there is not a very large number of ex-members of Congress who come to Washington at the same time, certainly not so many as to incommode us. I know that there are not very many ex-members of Congress who would care to come here very frequently, or to remain very long upon the floor, and I think it is due to them that we should accord this compliment to them.

Mr. Chairman, I do not understand upon what ground this rule goes. It provides that a Governor of a State for the time being shall have the right to enter upon the floor; upon what ground is that right accorded? There is certainly no special matter of business between a Governor of a State and this House, that should entitle them to it; and I should like to know from the chairman of the committee upon what principle the rule was adopted? I can understand why judges of the Supreme Court should be included, for they are considered as one of the co-ordinate branches of the Government. I can understand why the judges of the Court of Claims should be included, for they constitute, in point of fact, one of the subordinate committees of this House; but I do not understand why Governors of States for the time being should be paid this compliment, which is denied to ex-members of the House itself.

Mr. WASHBURN, of Maine. The committee did take into consideration the propriety of the admission of the persons named in the amendment of the gentleman from Maryland. They were, however, all of the opinion that it was proper to extend that courtesy to the judges of the Court of Claims. I believe a portion of the committee, perhaps a majority, were in favor of the amendment the gentleman has suggested; but they determined not to report anything in which every member did not concur.

Mr. HARRIS, of Maryland. I am glad to find that my amendment will meet the concurrence of others. I will not enter into the discussion or detain the House further at this time. I hope the committee will agree to my amendment; and I presume such will be the fact, inasmuch as it seems that a majority of the committee on rules are in favor of it.

Mr. McQUEEN. I wish to submit just a few words upon this amendment. I have seen here, for years, ex-members of Congress crowding into this House, occupying the seats of the members, and interfering with the public business of the country. I never knew one to be such from any personal intercourse between him and myself; but, sir, it was the common talk of the House and the country that ex-members were crowding this Hall, with a view of advancing or engineering through, as the common expression is, private claims against the Government. For years it was complained of, and the practice on the part of ex-members acting as claim agents was looked upon as disreputable to this body. That practice was the fruitful source of complaint in this body, as every member then here will remember. I know that these ex-members were here in numbers, and that it was because of the complaint that they acted as claim agents that they were excluded from the privileges of the floor of this House. From my own observation, and from what I have heard, in the House and out of it, I should be very sorry to see the privilege of the floor again conferred upon that class of men.

It was charged here, Mr. Chairman, and with some truth, that members of Congress who had passed two or four years had a hankering for the city of Washington, and were therefore more apt to return here, when not returned to Congress, and act as claim agents. It was thought to be wise and proper to exclude them from the privileges of this floor. It is no disrespect to them when they are refused entrance to this House. The galleries of this House are ample enough to provide for ex-members of Congress, as well as for all others who wish to witness our proceedings. They can hear there as well as they can upon the floor what is passing in this branch of the National Legislature. I know that it has been the complaint, the just complaint, as I believe, that they were an annoyance to the House. Day after day they were here, enjoying the privileges of this floor; and when a member of the House left his seat for a moment, he would find it occupied by one of these ex-members when he returned, and he would then have to stand up, or be put in the indelicate position of requesting that his seat should be vacated, in order that he might again resume it. They were numerous here, and the charge was general that they were engaged as claim agents. It is no disrespect to them, I repeat, in refusing them admittance to this Hall. They are not public functionaries. If they are to be admitted, I see no reasons why any others of the private citizens of the United States should not be admitted upon this floor. I have a recollection, as I have no doubt other members have, that I represent a constituency, and that among them there are eminent and worthy private citizens as much entitled by merit to the privilege of the floor as any ex-members of Congress. I believe that ex-members of Congress have been an annoyance to members of Congress when entitled to the privilege of the floor. Therefore it is that I hope the amendment will not be adopted.

Mr. VALLANDIGHAM. I concur in the argument of the gentleman from Maryland, [Mr. HARRIS,] in favor of the admission of ex-members, but disagree with him in his objection to my amendment proposing to exclude from admission to the floor ex-members who are prosecuting claims before this House or the Senate. I would not counsel—for it would be a sort of compulsion—those who have claims here to employ none but ex-members of Congress; and the result certainly would be, if there were no restriction, that none but ex-members would be retained to prosecute claims before Congress.

Mr. WHITELEY. I ask the gentleman from Ohio how the Doorkeeper is to ascertain, when an ex-member of Congress asks for admission, whether he is or is not a claim agent?

Mr. VALLANDIGHAM. The Doorkeeper of the Senate has a book in which every one applying for admission, and claiming the privilege of the floor, is required to write his name, together with the designation of the office or the title by virtue of which he claims admission; and a like usage ought to prevail here. It would be a pledge of honor remaining of record, which no one but those entitled to the privilege would venture to give.

Mr. RUFFIN. That was the practice of the House when we were in the old Hall.

Mr. MILLSON. Mr. Chairman, I differ with my friend from South Carolina, [Mr. McQUEEN,] and I favor the amendment of the gentleman from Maryland, [Mr. HARRIS.] The number of ex-members present in this city, at any one time, is always very small; and, during the many years that they have been entitled to the courtesies extended to them under our former rules, I have never known any practical inconvenience to result. Besides, their presence here is not altogether a matter of courtesy. A gentleman connected for many years with the legislation of the country is sometimes competent to give the House useful information upon past subjects of legislation, which may be raised and discussed at the time he is present I am, therefore, in favor of the proposition; and I confess that, unlike my friend from Ohio, [Mr. VALLANDIGHAM,] I am not reluctant to hear suggestions from ex-members of Congress, whether they are the agents of claims intrusted to them or not; for I have no fear that I shall be led astray by any incorrect statements that they may make. One thing, sir, I would greatly prefer. I would be glad to suffer the annoyance of being talked to by them upon the floor, if it be an annoyance, rather than to be frequently compelled, as I am now, to go out of the House to hear their representations, and in that way to absent myself when the business of the House is going on.

Mr. FLORENCE. Mr. Chairman, I differ with the gentleman from South Carolina in the conclusions at which he arrives, and I believe that the courtesy of this House ought to be extended to ex-members of Congress in this city. The inconvenience to which the gentleman refers was enhanced by reason that in the old Hall, at which time the complaints were made alluded to, gentlemen here, as correspondents and reporters of newspapers throughout the country, were allowed to occupy seats upon the floor of the House. It frequently happened that those gentlemen, as well as the ex-members of Congress here, were interested in the legislation that was going on before us. They, I know it was claimed, were the source of much trouble and annoyance to members.

Mr. McQUEEN. They had desks assigned them outside of the bar of the House, and when they passed the bar of the House and came in amongst the members, it was considered an intrusion, and that they had exceeded the privilege conferred upon them,

Mr. FLORENCE. I am aware of that. Those gentlemen informed themselves upon the subjects before the House, became interested in them, and, as was alleged, gave much trouble and annoyance to members by their importunities. In this Hall we avoid the necessity of having them upon the floor. Correspondents and reporters for the newspaper press of the country have a gallery assigned them, which I understand is acceptable to them. I objected, at the time, to putting them in that gallery, as will be remembered by those who were then here. I now, however, understand that they are satisfied with their accommodations. I only refer to the matter now to show that the annoyance of which members complained did not arise altogether from ex-members of Congress.

The gentleman from Ohio [Mr. VALLANDIGHAM] refers to the practice of the Senate in keeping a book, wherein are entered the names of those who claim the privilege of the floor of the Senate, and the office which gives them the right to make that claim. That same practice existed in the House when we occupied the old Hall, and I do not know why it has been done away with. Those who came upon the floor were compelled to say, before they were admitted, that they were in nowise concerned in pressing claims before Congress.

Mr. McQUEEN. Right here, by the permission of my friend from Pennsylvania, [Mr. FLORENCE,] let me inquire if he did not hear from day to day, week by week, and month to month, that former members of this House were here as claim agents, pressing claims upon the attention of this House?

Mr. FLORENCE. It was a subject of general remark, I believe. But the difficulty would be obviated if the provision suggested by

the gentleman from Ohio [Mr. VALLANDIGHAM] is added to the amendment proposed by the gentleman from Maryland, [Mr. HARRIS.] The gentleman from Virginia [Mr. MILLSON] very properly remarked that there were but few ex-members of Congress at any one time during the session of Congress present in this city. That is true, except, perhaps, it be with regard to gentlemen who come here to prosecute claims before the House. But will any person tell me that those persons are not as well known as any other *habitués* of Washington? Let an ex-member of Congress—I was going to say prostitute himself to such base purposes—let an ex-member of Congress come here to perform this business of lobbying claims through Congress, and the stench of fire will be upon his garments, and no purification will cleanse his skirts of the odium that I think should attach to such a person. He can be pointed out; he is known to everybody; he is button-holed and button-holed all the time by those desirous to secure his services; and if we adopt the provision suggested by the gentleman from Ohio, [Mr. VALLANDIGHAM,] he would not dare to obtrude himself in the presence of honest and virtuous gentlemen. I would propose to amend by inserting——

The CHAIRMAN. There is already an amendment to an amendment pending.

Mr. FLORENCE. I would suggest that the words "diplomatic corps" be inserted in this amendment.

A MEMBER. "Foreign ministers."

Mr. FLORENCE. They are known as the "diplomatic corps."

Mr. WASHBURN, of Maine. I would suggest to the gentleman from Pennsylvania [Mr. FLORENCE] that he allow the vote to be taken upon this amendment, and then he can offer the one he indicates.

Mr. FLORENCE. I would say that members often have business for their constituents with the diplomatic corps resident in Washington, and they cannot have that means of intercourse with them that they desire if they are confined to the gallery allotted to them; for it is often the case that, with a person occupied as I am, it is difficult to find them at their offices, when my time allows me to call upon them there.

Mr. GROW. I would inquire of the Chair if the gentleman from Ohio [Mr. VALLANDIGHAM] offered his amendment as a substitute for the amendment of the gentleman from Maryland, [Mr. HARRIS?]

The CHAIRMAN. So the Chair understands.

Mr. GROW. I understand that my colleague [Mr. FLORENCE] moves now to strike out and insert certain words.

Mr. FLORENCE. My colleague is mistaken. I make no such motion.

Mr. GROW. Then I will move to strike out of the amendment of the gentleman from Ohio [Mr. VALLANDIGHAM] the words "ex-members of Congress," &c., and insert the words "foreign ministers," so that it will stand: "members-elect to the Senate and House of Representatives, foreign ministers," &c.

Mr. WASHBURN, of Maine. Let us dispose of this question in reference to members elect of the Senate and House of Representatives, and then go on with the other.

Mr. GROW. That is what I wish to get at now. As I understand the question, the gentleman from Ohio [Mr. VALLANDIGHAM] proposes a substitute for the amendment of the gentleman from Maryland, [Mr. HARRIS.] I propose to strike out of the substitute the words "ex-members of Congress," and to insert after the words "members elect to the Senate and House of Representatives," the words "foreign ministers." That will decide whether this House is willing to admit upon this floor ex-members or not. Or, I will modify my amendment, and simply propose to strike out the words "ex-members of Congress."

Mr. HOUSTON. I understand the Committee on the Rules to have reported sundry amendments to the rules, and their amendments are now before us as amendments.

The CHAIRMAN. The Chair holds that the amendments reported by the Committee on the Rules are the text upon which subsequent amendments are predicated.

Mr. HOUSTON. I understand that the committee have reported back the whole body of the rules, with their amendments; and the body of the rules, I take it, constitute the text, and the amendments proposed by them constitute amendments in the first degree. The whole body of the rules are necessarily before us now in Committee of the Whole, and they constitute the foundation upon which we propose to build.

The CHAIRMAN. The Chair considers the report of the committee as the subject upon which the Committee of the Whole is now acting. They did not report back the rules, but reported back certain amendments to be incorporated into the rules. The amendments reported by the committee are the text upon which subsequent amendments are to be predicated; and amendments are in order, as the Chair holds, to the second degree. The question is now upon the motion of the gentleman from Pennsylvania, [Mr. GROW,] to strike out from the amendment of the gentleman from Ohio [Mr. VALLANDIGHAM] the words "ex-members of Congress."

Mr. HOUSTON. I would like to have the amendments reported to the committee, so that we could understand them.

The CHAIRMAN. The committee propose to change rule 17 of the House, by inserting after the word "States," in the fourth line, the words "and of the Court of Claims," so that it will read:

No person, except members of the Senate, their Secretary, heads of Departments, President's Private Secretary, the Governor for the time being of any State and judges of the Supreme Court of the United States and of the Court of Claims shall be admitted within the Hall of the House of Representatives.

The gentleman from Maryland [Mr. HARRIS] proposes to amend by inserting after the words "members of the Senate" the words "members of previous Congresses." For the amendment of the gentleman from Maryland [Mr. HARRIS] the gentleman from Ohio [Mr. VALLANDIGHAM] proposes to substitute "Senators and members elect, and ex-members of the House not prosecuting claims personally, or as agents, before Congress." The gentleman from Pennsylvania [Mr. GROW] moves to amend the substitute, by striking out the words "ex-members of the House not prosecuting claims personally, or as agents, before Congress."

Mr. MAYNARD. In common with the rest of the House, I am somewhat interested in this question, expecting, if I live as long as I hope I may, to be an ex-member of Congress. During the last Congress, I offered a proposition similar to the one now submitted by the gentleman from Ohio, [Mr. VALLANDIGHAM,] to amend the rules. This rule which we now propose to amend is a rule that was adopted for the first time, as I understand the history of it, by the House when they took possession of the new Hall some two years ago. Not long after that rule had been adopted an incident occurred, that came to my notice, of such a character as led me to introduce the proposition I have referred to. That incident was this: a gentleman from the State of Virginia, of very high character and great personal dignity—a very aged man—who had been at one time in his life a conspicuous member of this body, since deceased—I refer to the late Charles Fenton Mercer—came to this city. On being informed that the House of Representatives had taken possession of their new Hall, he expressed a desire to a friend to see this body in its new place of session. He came with a friend up here to the front door, and was there met by a sub-doorkeeper, who closed the door in his face and sent him up to the gallery. This occurred but a short time before his death. I was also informed of another incident which occurred during the last session of Congress. One of the first men of the country, so acknowledged by general consent, and honored in various ways by both Houses of Congress—I refer to General Scott—came here and sought admission into the Hall. He also was sent up into the gallery to look on. I know that, as a matter of fact, ex-members of Congress very seldom return to this city.

Mr. McQUEEN. If my knowledge is correct, the adoption of the rule advocated by the gentleman from Tennessee would not relieve General Scott. I do not think he ever was a member of Congress.

Mr. MAYNARD. I was stating the effect of the recent change of the rule, and the necessity which exists for revising it, so as to avoid such results. I referred to General Scott as one who would have been entitled to come in under our former rule, being an individual who had received the thanks of Congress.

I was saying that, as a matter of fact, ex-members of Congress seldom return to this city. They come occasionally, and when they do so, it is very grateful to be permitted to mingle with their old associates, and this Hall is the only place where they can well do so.

I should prefer that the amendment should not exclude those who might be acting for the time being as claim agents, but that is a small matter, affecting comparatively few gentlemen. It will operate almost entirely for the convenience of those who, from distant portions of the country, visit this city once, perhaps, in five or ten years. When they come here they find it very agreeable, desirable even, to come into the Hall and sit a few minutes, or perhaps an hour. Admit them; the rule would not probably apply to more than twenty-five or thirty persons during a session—not exceeding fifty, I am sure. By excluding them, in variance with ancient usage, we commit an ungracious act of inhospitality towards our predecessors, without deriving from it any compensating advantage.

Mr. BRANCH. I do not propose to give the committee the benefit of any of my advice to-day upon the amendment of the rules. I see in these proposed amendments a good deal that is good; and I have not been able to find anything at all objectionable. I hope they will be adopted.

But I desire to remind the committee that we have already spent three hours, and have not yet got through the third amendment proposed by the committee. There are thirty-eight amendments in all; and if we go on discussing them in this way, it will take at least ten days of the session, sitting four hours a day, to dispose of them. I would like to talk about some of them myself. The rules are an interesting subject to gentlemen upon this floor. We like to make points of order, and discuss them. But I intend to refrain entirely from discussing any of them, because I consider it desirable that they should be adopted; and unless gentlemen practice some self-denial, and allow them to be acted upon without debate, we shall waste a great deal of time. I suggest to the chairman of the committee that, unless the Committee of the Whole House shall evince a disposition to pursue such a course, he shall move that the committee rise for the purpose of going into the House, and closing debate upon the amendments.

Mr. WASHBURN, of Maine. I am much obliged to the gentleman from North Carolina for the suggestion he has made. I was about to call the attention of the committee to the fact that it will be nec-

essary to refrain from these lengthy discussions, if we hope to pass upon these amendments.

I have no doubt that every gentleman here understands perfectly this question as to the admission of ex-members of Congress and foreign ministers upon the floor of this House, and is just as well prepared to vote upon it now as he ever will be. I hope we shall be permitted to come to a vote immediately.

The question was taken upon the motion of Mr. GROW to strike out from the substitute offered by Mr. VALLANDIGHAM the words "ex-members of Congress," &c.

The amendment was not agreed to.

The question recurred upon the substitute offered by Mr. VALLANDIGHAM for the amendment of Mr. HARRIS, of Maryland.

Mr. WHITELEY. Is it in order to add "defeated candidates for Congress?" I think if a man cannot get in here upon a certificate, he ought to be permitted to come in by courtesy.

The CHAIRMAN. Such an amendment is in order.

Mr. GARNETT. I would suggest also, "members of the Baltimore, Cincinnati, and Chicago conventions, and all candidates for the Presidency." [Laughter.]

Mr. BOCOCK. I call for tellers upon the substitute.

Tellers were ordered; and Messrs. HARRIS of Maryland, and BRANCH, were appointed.

Mr. GROW. Before the vote is taken, I desire to inquire if foreign ministers are included in the substitute as it stands?

The CHAIRMAN. They are not.

Mr. GROW. I hope they will be inserted in the substitute; for if it is to be adopted, they ought to be included.

The House divided; and the tellers reported—ayes 72, noes 53.

So the substitute was adopted.

The question recurred upon the amendment of Mr. HARRIS, of Maryland, as amended.

Mr. GROW. Now I ask the unanimous consent of the House to insert the words "foreign ministers" after the words "Private Secretary." They should be allowed the privilege, if it is extended to other persons.

No objection being made, the words "foreign ministers" were inserted.

The amendment of Mr. HARRIS, of Maryland, as amended, was agreed to, and the amendment of the committee, as thus amended, was adopted.

Fifth amendment:

Strike out rule 21. (Provided for by proposed amendment to rule 14.)

The amendment was agreed to.

Sixth amendment:

Amend the rule 22, by adding at the end thereof the following, viz: "And all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress, as if no adjournment had taken place;" so that it will read:

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place; and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress, as if no adjournment had taken place.

The amendment was agreed to.

Seventh amendment:

Strike out all of rule 23, and insert in lieu thereof the following:

As soon as the Journal is read, and the unfinished business in which the House was engaged at the last preceding adjournment has been disposed of, reports from committees shall be called for and disposed of—in doing which, the Speaker shall call upon each standing committee in their regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the report last under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees shall have been called in their turn. On the call for reports from committees on each alternate Monday, which shall commence as soon as the Journal is read, all bills reported during the first hour after the Journal is read shall be committed, without debate, to the Committee of the Whole, and, together with their accompanying reports, printed; and if, during the hour, all the committees are not called, then, on the next alternate Monday, the Speaker shall commence where such call was suspended: *Provided*, That no bill reported under the call on alternate Mondays, and committed, shall be again brought before the House by a motion to reconsider.

Mr. MCKNIGHT. I move to amend the amendment by striking out the word "their" before "regular order," in the fifth line. It is superfluous and ungrammatical.

The amendment to the amendment was agreed to.

The seventh amendment, as amended, was then agreed to.

Mr. OLIN. I wish to propose an amendment to the 24th rule, which I desire the Clerk to read. I suppose it will come in in order here.

Mr. NOELL. I rise to a question of order. It is, that it is not in order to offer an amendment to any rule which is not included in the report of the committee.

Mr. OLIN. We are passing over the rules, and have now reached the 24th rule.

The CHAIRMAN. The Chair supposes that, in fact, the rules of the House are not before the Committee of the Whole; that we are acting upon the report of the committee, which only brings before the Committee of the Whole those rules to which amendments are reported. The amendment of the gentleman from New York will probably be in order, as an amendment by way of addition to any one of the amendments reported by the committee.

Mr. OLIN. The amendment I propose only has application to the 24th rule of the House.

The CHAIRMAN. Then the Chair would suggest that, perhaps, the gentleman had better reserve his amendment until the Committee of the Whole has gone through with the amendments of the committee, and then it is believed that it will be in order to offer any other amendments in addition to the amendments reported by the committee.

Eighth amendment:

Amend rule 25 by striking out the words "of Wisconsin," and inserting in lieu thereof the words, "last organized:" so that it will read:

Reports from committees having been presented and disposed of, the Speaker shall call for resolutions from the members of each State and Delegates from each Territory, beginning with Maine and the Territory last organized alternately, &c.

The amendment was agreed to.

Ninth amendment:

Amend rule 26, by inserting before the word "resolutions," in the first and seventh lines, the words "bills on leave, and;" and by adding at the end of the words, "and the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the Journal is read shall be referred, without debate, to their appropriate committees: *Provided, however*, That a bill so introduced and referred shall not be brought back into the House upon a motion to reconsider;" so that it will read:

All the States and Territories shall be called for bills on leave and resolutions on each alternate Monday during each session of Congress; and, if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to bills on leave and resolutions, until all the States are called through. And the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the Journal is read shall be referred, without debate, to their appropriate committees: *Provided, however*, That a bill so introduced and referred shall not be brought back into the House upon a motion to reconsider.

The amendment was agreed to.

Tenth amendment:

Amend rule 30, by inserting after the word "Friday" the words "and Saturday;" and by adding at the end of the rule, "but when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members;" so that it will read:

On the first and fourth Friday and Saturday of each month, the Calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of; but when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall be again objected to by at least five members.

The amendment was agreed to.

Eleventh amendment:

Amend rule 34, by adding at the end thereof the words, "*Provided further*, That the House may, by the vote of a majority of the members present, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all debate upon such section;" so that it will read:

No member shall occupy more than one hour in debate on any question, in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer—*December* 18, 1847—after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee.—*August* 14, 1850: *Provided further*, That the House may, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all bebate upon such section.

Mr. VALLANDIGHAM. I move to amend, by offering the following proviso:

Provided further, That the limitation of debate to one hour shall apply only to speeches read by members in the House or in committee.

Mr. MILLSON. As that may preclude an amendment which I have to offer, I ask the gentleman to allow me to move to amend the preceding clause. I understand the rule to be, that after a new provision is added to the clause, it will be too late to amend the clause itself.

The CHAIRMAN. The Chair supposes it will be in order to amend the clause if the amendment of the gentleman from Ohio shall be added to it.

Mr. BOCOCK. I rise to a question of order. I merely wish to state the usage in relation to such matters. When a member rises and moves to add to a section, and another member rises and moves to amend the body of the section, the latter motion takes precedence. In this instance, the amendment of the gentleman from Virginia must be first stated, and that of the gentleman from Ohio afterwards.

The CHAIRMAN. The Chair had supposed that the rule was different, but does not know that it is a matter of any importance. He had supposed that a section was open to debate and amendment, even after words had been added to it. The Chair, however, will assign the floor to the gentleman from Virginia.

Mr. MILLSON. The change proposed by the amendment reported by the committee has long been a very desirable one. Some years ago, when a member of the select committee on rules, I reported to the House a proposition intending to produce the very good result which I think this amendment will secure; but I suggest to the gentleman from Maine, who reported the amendment, that, perhaps from inadvertence, there are one or two words omitted which I think are necessary to make the amendment useful. I am surprised at the inadvertence on the part of the gentleman from Maine, when I call to mind that in 1854, at the time I made that report from the select committee on rules, the very omission to which I am now calling his attention he himself rose and called my attention to. Although, in point of fact, the resolution which I then submitted was not open to his criticism, yet I admitted at the time that the point he made was a good one. I propose to amend the amendment by adding after the word "section" the words "or paragraph;" so that it will read:

At any time after five minutes' debate has taken place upon proposed amendments to any section or paragraph of a bill, &c.

Mr. WASHBURN, of Maine. I would suggest to the gentleman from Virginia, that it may be necessary to make other modifications to conform to the amendment he proposes.

Mr. MILLSON. I do not think there will be any inconvenience, practically, from retaining what I have suggested. I do not propose to interfere with the right of the House to close debate upon the whole section, if they shall please to do so; but the committee will observe that when we are in the Committee of the Whole on the state of the Union, with an appropriation bill under consideration, we have a number of independent paragraphs in one section; indeed it very often happens that there is but one section of an appropriation bill, and a great many independent paragraphs. Now, sir, the case may occur that the committee are desirous of closing debate upon a whole section, but in other cases, they may desire to close debate only upon a paragraph. I wish, then, to leave it optional with them to close debate either upon the section or the paragraph, as may seem right at the time.

Mr. BOCOCK. I will say to the gentleman from Virginia that I am authorized, by at least two members of the committee, to say that they are in favor of the amendment which he proposes.

Mr. WASHBURN, of Maine. You are so authorized by a majority of the committee.

Mr. BOCOCK. Then, as a majority of the committee authorize it, the amendment of my colleague will be adopted as a part of the report of the committee.

Mr. MILLSON. The amendment having been accepted by the committee, it necessarily includes the following addition:

"That the House may, at any time, after five minutes' debate has taken place upon a proposed amendment, or any section or paragraph of the bill, close the debate upon such section or paragraph, or, at their election, upon the pending amendments only."

Now, it will be observed that the committee may sometimes desire to close debate upon a pending amendment or amendments without closing it upon the section, for the section may be a very long one, important in its provisions and needing amendment. The committee, however, may not be able to get on beyond a pending amendment so as to enable them to perfect the subsequent part of the section or paragraph.

Mr. WASHBURN, of Maine. The committee also accept that amendment, and it seems very strange to me that it did not occur to them before.

Mr. GARNETT. I should not be doing justice to myself or to the importance of the amendment under consideration, if I did not express to the House some of the reasons which will determine me in casting my vote against it. I do not, for one, consider that this is a mere legislative body. We are not a *corps legislatif;* assembled by a French Emperor to register his sovereign decrees. We are not only a legislative assembly, but we are a deliberative body, and it is the highest privilege of the Anglo-Saxon race to be governed by parliamentary bodies which deliberate upon all propositions brought before them for their action. I ask any attentive reader of our history, I ask any man who has observed the course of proceedings in this body, whether there has not been for years a constant tendency to dwarf this House of Representatives into a mere legislative assembly, where measures are brought before us and passed through without deliberation or decision?

In the early days of this Government, the House of Representatives, the immediate representatives of the people, was the principal branch of Congress. Why is it that now, on the contrary, each year diminishes its importance and its hold upon public opinion? Is it because they are more intelligent representatives, who are less immediately dependent upon the people? I take it that is a reason which gentlemen will not be prepared to avow, even if they believe it. Why is it, then, unless the rules and forms of proceeding in the Senate secure deliberation and discussion; while, on the contrary, the tendency in this House is to cut them off entirely? And let us remember, that the influence of a congressional body, in a free Government, depends not so much upon their power of passing laws—for laws, to be satisfactory, must be the result of popular opinion, formed beforehand—but upon their power of discussion, their habit of deliberation, and the control they exercise over the public opinion of the nation.

What is the state of things here? In the first place, Mr. Chairman, it is exceedingly difficult under the rules for any member to exercise what I take to be the first right of a Representative, and that is, to bring his proposition before the House. While he is cut off from that privilege of a Representative in great part under our practice—for notwithstanding gentlemen tell me the theory of the rules is that a member shall always have that opportunity, yet we all know, under the practice, that that opportunity seldom or ever occurs for him; while he is cut off from the highest privilege of a Representative when his measure is before the House, how seldom is it, sir, that we have intelligent, deliberate debate upon it? It is sent to the Committee of the Whole on the state of the Union, and there, under the construction of our rules, a member is at liberty to speak on anything outside of the question before the committee. The consequence is, so far as our hour speeches are concerned, that there is rarely a discussion of the pending question. Then we go back to the House, where it is determined that debate shall terminate in the Committee of the Whole on the state of the Union at a certain time. Then, sir, for the first time, commences valuable practical debate, under, however, the five minutes' rule. It is now proposed to do away with even that debate. Suppose there is an important section of an appropriation bill before us; some law affecting the destinies of territory; one of the future sovereignties of this Union; and that I am so fortunate as to obtain the floor, and move an amendment: I can speak for five minutes, and some other member of the House can speak for five minutes in opposition to it. Then, under this proposed amendment of the rules, all possibility of further debate is cut off, and other amendments cannot be offered or explained.

I admit freely that this five minutes' debate is frequently abused. I admit that the patience of the House is sometimes overtaxed by two or three days' discussion of one amendment, and that, too, not always germane or pertinent, though it is generally so. I admit all of that; but, Mr. Chairman, are we never to have our patience tried, and are we merely to meet here to execute our preconcerted determinations without listening to debate; without being willing to hear our peers upon this floor bring forward the reasons which move them, as the Representatives of the people, to go for or against a measure? Is it not one of the necessary characteristics of a parliamentary and deliberative body that there shall occasionally be tedious debate; that occasionally it shall be within the power of members to protract discussion unreasonably? The moment you take that power away, you may as well take away the power of discussion at all, and place it within the power of a mere majority to register its decrees without the minority having the privilege of appealing to public opinion by discussion and deliberation. Nay, sir, you will then take away a still more valuable power from the majority itself—the power which every majority ought to desire to have placed upon it—the power of the minority to check them, and prevent them from tyrannical and precipitate action; that check, sir, which is to be found in free discussion; that check which is necessary to the safety and to the wise conduct of the majority as it is to the rights of the minority.

For my part, Mr. Chairman, I believe that the true remedy for tedious discussion, the true remedy for protracted and unreasonable debate in the Committee of the Whole on the state of the Union, will be found in an enforcement of the parliamentary law, which, in committee as well as in the House, (the opposite I know has been the practice under decisions of our Speakers and Chairmen of the Committee of the Whole on the state of the Union,) directs that debate shall be germane and pertinent to the measure immediately pending. If we could agree upon a rule that will prevent the practice which prevails in the Committee of the Whole on the state of the Union, of members getting up and reading electioneering essays upon every possible subject; treatises upon doctrines of philosophy, and upon history and the arts; if we would, in other words, enforce the rules that hold in the House, in the Committee of the Whole on the state of the Union, then, sir, we would, I believe, have no need of such an amendment as this, and debate would rarely be prolonged beyond the patience of members of the House. I admit, I repeat, under our practice, under the rules as they now exist, we occasionally have the patience of the House sorely tried; but I submit that that is a thousand times better than the adoption of an amendment to the rules which enhances the greatest evil of our present condition; which destroys the rights of the minority; which gives to the majority a power dangerous to itself, and which has a tendency to dwarf and degrade the House of Representatives in the eyes of the people in comparison with the other branch of Congress, and to throw, I will tell gentlemen, all power into the hands of the Senate—I mean all power, not over the mere passage of laws, but over that public opinion which shapes and molds the laws beforehand.

In some respects, Mr. Chairman, as a sectional man, I do not think that I object to this state of things; but I wish to see this Government carried on upon its true theory so long as it does exist; and I tell gentlemen upon all sides, and especially gentlemen of the other side, that if they adopt this amendment, they will do that which will still more diminish the power of this House of Representatives in the eyes of the people.

Mr. BOCOCK. Mr. Chairman, I do not think it necessary, at this stage of our proceedings, to take up the time of the House with any protracted remarks upon the necessity which exists for the previous question. I believe that the history of the Congress of the United States satisfies every man that, while the previous question does sometimes lead to abuse; while it may, by a tyrannical majority, be employed so as to infringe the rights of a minority, yet our business cannot be carried on without it. I think that that is the general verdict of all those who have had experience of legislative matters in this House. So far as the remarks of my colleague relate to that subject, what I have said is a sufficient reply to them.

Now, sir, when my colleague said that the amendment of the committee increases the power of the majority and diminishes opportunity for the discussion and amendment of bills, he did not, perhaps, look forward to see that this amendment, taken in connection with another which will come up after it is disposed of, actually diminishes the power of a majority to force bills through by cutting off amendment and debate. It is within the knowledge of all of us, of my colleague as much as of any other, that the protracted debaees under the five minutes' rule have been going on to such an extent that the majority have found it necessary to rake up and put in force an old rule that had slumbered in oblivion for many years. Under the interpretation of the rules and the practice of the House, this is the state of things at present; and I call the attention of my friend and colleague to it. Suppose we have a long appropriation bill up, introduced by the gentleman from Ohio, [Mr. SHERMAN,] with a number of provisions of importance; suppose that the first sections excite, because of their importance, inquiry and protracted debate, extending day after day, into weeks, and that a speech made by one gentleman compels reply—for we know that concussion of ideas always produces an increase of ideas before the House—the gentleman from Ohio will then rise in his character of chairman of the Committee of Ways and Means, and being worn out with debate, his mind oppressed with a sense of the responsibility resting upon him, and in view of the approaching termination of the session will appeal to his faithful cohorts, telling them that the responsibility of the Government is upon them; that the debate must not be allowed further to proceed: and that the motion striking out the enacting clause, which he submits, must be agreed to. Now, sir, though there may be, in the latter part of that bill, various propositions which are important, and which ought to be discussed and ought to be amended, the majority, following the lead of the chairman of the Committee of Ways and Means, may believe that it is better, on the whole, to force the bill through, and cut off all amendments to the latter part of the bill, by moving to strike out the enacting clause, bring it into the House, non-concur in the recommendation of the Committee of the Whole, call the previous question, and, by whip and spur, force the bill through the House of Representatives. Now, the committee appointed by the Speaker has provided that that power shall not be exercised by the majority of the House. It has provided, in an amendment hereafter to come up, that when a bill is pending in the Committee of the Whole, and the motion is made to strike out the enacting clause and agreed to by the Committee of the Whole, and the House refuse to concur with the recommendation of the committee, the bill, by that act alone, shall stand recommitted to the Committee of the Whole. The effect of that will be this: a bill comes up before the Committee of the Whole on the state of the Union; a majority is satisfied that any amendment of the bill, or any discussion of it in the Committee of the Whole, would be of no use; would be but time thrown away. They may strike out the enacting clause for the purpose of defeating the bill. The bill will then come into the House with that recommendation of the Committee of the Whole; and their concurring in that recommendation will defeat the bill, and the time of the House will be saved. The abuse of the rule is thereby obviated.

You all know that a majority of the Committee of the Whole now have the power, under this rule, to strike out the enacting clause of a bill; and if the House refuse to concur in that action of the committee, under the operation of the previous question the bill is put through the House without opportunity for discussion or amendment. Adopt these two amendments together, and then what do you have? You deny to the majority of the Committee of the Whole the power to take a bill out of the committee before you have had an opportunity to discuss it and amend it, under the rule allowing speeches of five minutes upon amendments; it goes that far in carrying out the views of my friend and colleague, [Mr. GARNETT.] In order to get that, the gentlemen upon the other side, who are charged with the business of the House, say to us: "If you ask us to do this"—and they were willing to do it; I do not say that they were reluctant to do it—"if you ask us to do this, you must give to us some plan by which we can, some time or other, get the business out of the Committee of the Whole." We then agreed that when any section was under consideration, and there had been a speech for and against an amendment to that section, they can go into the House and take a vote to close debate upon that particular section of the bill. Instead of my colleague [Mr. GARNETT] opposing this, he ought to advocate it.

Mr. VALLANDIGHAM. What is the pending question?

The CHAIRMAN. The question is upon agreeing to the eleventh amendment of the committee, as amended.

Mr. VALLANDIGHAM. I offer the following amendment:

Provided further, That the limitation of debate to one hour shall apply only to speeches read by members in the House or committee.

I will detain the committee but a few minutes upon this amendment. I do not propose to discuss the subject at length. I am not ambitious of the character of a reformer. But I am sure that wise and wholesome reforms are needed in the rules of this House. I object to the report of the committee, that it is not sufficiently radical; it does not go far enough. In my deliberate judgment, he would be one of the greatest benefactors of the legislation of this Government who would introduce and carry through a proposition to abolish the whole system of rules and of practice under them, and allow a return to the equitable and common-sense law usages of Parliament. Our system, sir, is not half so democratic—not half so republican, if you please—as that which obtains in the House of Commons. There, every member who can "catch the eye of the Speaker" is at liberty to propose a measure, and address the House in support of it as long as the patience of the House will tolerate his speech, or his own good sense allow him to proceed. He may move for leave to introduce a bill, and if the House look so far favorably upon the proposition as to grant that leave, he is then, by parliamentary usage, the chairman of the select committee appointed to bring it in, and is, by virtue of that chairmanship, invested with the same privileges which are extended to chairmen of standing committees here. Thus, sir, is equality there accorded to every member, and an equal chance to participate in the business of legislation.

But how is it here? Your Speaker, whatever his natural disposition may be, is, by the necessities of his office, a despot. Your rules make him a despot. And the chairman of your twenty-eight committees are but twenty-eight sub-despots, acting under him. They are entitled by the custom of the House to be recognized by the Speaker in preference to any other member, whenever the measures which they have severally reported are pending. No proposition can be introduced here, unless by unanimous consent or a suspension of the rules, except from a committee. The result is, that to the hands alone of the privileged few who are chairmen of the committees is consigned the whole trade and mystery of legislation here. Our business, sir, is to register the decrees of committees. And twenty-eight men, or rather, looking to the more important committees, eight or ten out of the twenty-eight, are the organs or mouth-pieces of this House. They are the engineers and conductors who run this train, and generally it is a "lightning express train," and we, the other members, are but passengers, with checks in our hats. I repeat, then, that it would be a wise and most wholesome reform to abolish all these rules, worse now than the early Roman forms of action or English special pleading, and return to the ancient and well-tried parliamentary law and usage, allowing every member to introduce whatever proposition he may please to introduce—as Mr. Burke did his celebrated measure for economical reform—and, at least, lay before the House and the country his exposition of the principles upon which the measure is based, whether the House give its consent that he may bring in a bill or not.

But I rose, Mr. Chairman, mainly to urge the adoption of the amendment which I have proposed. I would prefer—if written speeches could be prohibited altogether—that the hour rule should be entirely abrogated. But apprehensive that the committee may not consent to go that far directly, I propose now only to mitigate the evil. No one, I think, who has observed and reflected upon the business of legislation here for some years past will deny that very many of the evils of which the country has so much and so justly complained, and which have contributed so much to bring this House into disrepute, have arisen from the operation of this very hour rule. I might, did time permit, go back to the history of the past, and demonstrate the uniform and inevitable mischief resulting from that rule wherever it has obtained. At Athens, in her legislative assembly, there was no limit to public debate, and hence those splendid remains of Grecian eloquence which challenge the admiration of the world to this day. But in the judicial courts of Athens the rule did prevail; the "clepsydra" cut down the orator in the midst of his address, and, by consequence, forensic eloquence attained but small importance in Greece, and but little which is known or read remains of it to this day. The "hour rule" precluded advocates, and the want of advocates dwarfed the forum and the jurisprudence of Athens into comparative insignificance. Demosthenes, who "fulmined" in the public assemblies of that renowned city, shrank at the bar into a mere writer of speeches for litigants to read. Limitation upon debate was not known in the Roman Senate or at the Roman bar in the earlier days of the Republic; but as she began to fall into decay, and wicked emperors succeeded to the seats of virtuous consuls, the "hour rule" was applied in judicial trials, and it is the testimony of Tacitus and Pliny, that from that moment forensic eloquence perished. Despotism thirsted for treasure or for blood, and free speech was no longer tolerated at her bar. Dispatch is the great weapon of tyranny.

But I come down to our own times, and ask of the older members of the House whether the effect of this rule here has not been unmixed evil? I am well aware that the usual argument urged in support of the limitation is, that it diminishes the *quantum* of debate. Is that a consideration, I ask, fit to be urged in a deliberative assembly? Why protect members from question for words spoken in de-

bate, if no debate is to be allowed, or even if it be an object to suppress or to limit it? But I deny the fact. I affirm, on the contrary, that the aggregate amount of speaking has been vastly increased by it. I shall say nothing myself of the quality of the speaking; but I have the authority of a predecessor of mine, (Mr. Schenck,) who served some eight years in this House, and who has been eight years now a citizen in private life, observing the course of debate and legislation here, for the statement, as the result of his sixteen years' observation, that the speaking in this House has very much increased in quantity, and very greatly deteriorated in quality, since the adoption of the hour rule. Sir, the rule was assailed vehemently by Mr. Benton, in his Thirty Years' View, and I refer gentlemen to his observations upon it. Mr. Calhoun also denounced it as "destroying the liberties of the people by *gagging* their Representatives;" and Mr. William R. King declared that he would resist it in the Senate "even unto the death." In the House it was opposed persistently by many of the oldest and ablest members, and among them by John Quincy Adams.

I propose, Mr. Chairman, that the hour rule shall be limited in its application only to speeches which are read. According to the law of this House, as laid down in the Manual, no member has a right now to read a speech if it be objected to; but courtesy will not tolerate an objection. So long has the custom prevailed, and to such an extent has it been carried, that it would be regarded, doubtless, as highly discourteous to demand an enforcement of the rule. Now, I believe that this proposed amendment will prove a wise provision; and that, by removing the restriction, or confining it rather to essays read in this House, a premium will be held out to legitimate debate, which I long to see restored in this Chamber, to take the place of these carefully-prepared, elaborately-constructed, and, for the most part, elegantly-written lectures which so often weary the patience of the House, admirable as they may be—for, sir, I am not one of those who join in the false and senseless outcry that the speeches which are read, or spoken upon this floor, are mere "trash." This, sir, is an accusation unjust and unfounded. But these essays or lectures are not fit for this presence; they are not delivered in the proper place. They belong to the lyceum, and not to legislation.

Allow me, sir, to refer, by way of illustration of the evil of which I complain, to what occurred when the gentleman from Alabama [Mr. CURRY] had concluded his very earnest and elaborate speech yesterday. The House was on fire, and eager for the debate to proceed. You, yourself, Mr. Chairman, [Mr. STANTON,] rose to reply upon the spur of the moment; and had the floor been given you, we should have had, I doubt not, one of those interesting and exciting *debates*, so highly dramatic in their character, which are now heard only in the Senate of the United States, or in the Parliament of Great Britain; but which, sir, in an evil hour for the legislation of the country, have almost wholly disappeared from this Chamber, and linger only in the memory or the records of the past. Yet, under the custom, more honored in the breach than the observance, which has grown up under the hour rule, and which is one of its most odious excrescences, the Chairman had his roll of members prepared long time in advance. You, sir, were not upon that roll; or, if upon it, not next in order. You rose first and were recognized. But the Chairman's promise was out, and the gentleman set down in the programme claimed "specific performance." You yielded, and he proceeded amid great disorder, and very soon to empty benches, to read a speech, which, if spoken, would have commanded, as it deserved, the closest attention. They who had listened with interest so intense to the oral speech of the gentleman from Alabama, [Mr. CURRY,] crowding these seats in silence even beyond the allotted hour—for you relaxed the rule by unanimous consent in his favor—immediately, at the very sight of the manuscript, fled from the Hall, and retired to their boarding-houses. And when the committee rose last night there were but five members present in all this vast Chamber.

I appeal for a moment here, Mr. Chairman, upon the point of the alleged abuse of unlimited debate, to the experience of this House, not only previous to the adoption of the hour rule, but during the interregnum of eight weeks which occurred at the commencement of this session. Was the patience of the House ever abused more than once, at most? Sir, we had but two speeches of really inordinate length—very able ones, indeed—within that period; and one of them, at least, I am sure, commanded the attention of the whole House, as fully and intensely throughout as any speech which has been delivered within this Capitol for more than twenty years. The average length of the speeches during those eight weeks of unrestricted debate—and I have made an estimate fairly—did not exceed from half an hour to forty minutes. Very many of them did not equal half that limit. And yet we had no hour rule then; but had it been in force, every member who obtained the floor would have felt himself under an imperious necessity of speaking full an hour, lest he should be deemed to have "broken down." And that, sir, is precisely the evil which afflicts us now under its operation.

Yet another grievance growing out of this rule, is the persistent and offensive interruption to which every member upon the floor is subjected. No one can rise and address the House for a moment, but some gentleman interposes, not upon a point of order, not for personal explanation, but that the member who interrupts may propound an interrogatory to the member interrupted, and thus thrust him into the witness-box to extract from him, by a process of cross-examination, something not at all relevant to the subject; or perhaps to interpolate a speech of his own. Sir, this happens here, and it happens every day; because the rules of politeness, which prevail in conversation and in social intercourse, are forgotten in this House. Nothing was once, and perhaps is still, deemed more rude than to interrupt a gentleman in conversation, at least in the midst of a sentence; yet it is continually done here. And it is done because members are anxious to speak whether prepared to speak or not; and the best opportunity to "catch the Chairman's eye," is when there is but one member upon the floor, and no one struggling for it. Then it can be secured. Thus it is that speeches by one member are thrust into the speeches of another member, to go out with them. It is done sometimes, perhaps, to divert the attention of a gentleman from the subject he is discussing, or to extract from him some troublesome answer relating to a personal matter or opinion, it may be, wholly foreign to the business of legislation. This is an evil grievous to be borne, and I think it is the result very much of the hour rule—certainly that is a part of the system of evils which has grown up since the adoption of that rule.

It may be that the solution proposed by the gentleman from Mississippi [Mr. MCRAE] is correct; that there are so many gentlemen upon the floor who think themselves so much better "posted" than the particular member speaking, that they are anxious to communicate some portion of the valuable surplus of their information to that member, or rather, perhaps, through him to the country.

Certainly, Mr. Chairman, I do not intend to apply these remarks personally to the gentleman from Virginia, [Mr. BOCOCK,] who sought two or three times to interrupt me some time ago. No, sir; they are the result of close observation and reflection upon what I have seen and heard from the time I first had the honor of a seat upon this floor.

Mr. BOCOCK. It is so long since I asked the permission to interrupt the gentleman that I have almost forgotten what I intended to say. The gentleman seems very much fascinated with the British system, as it prevails in the British Parliament. I have been somewhat surprised at the course this debate has taken to-day. It is sometimes charged that, though we profess to be Democrats, we are not always democratic in our practice. I considered this as only the taunt of our enemies. Now, I have been surprised to find my honorable friend from Pennsylvania, [Mr. FLORENCE,] who has always great care for the widows and orphans; who votes always on the side of the working men; who is always the poor man's friend, advocating to-day a proposition to confine that class of men to the galleries; to exclude them from places upon this floor; to make them sit up there in the cold, and, at the same time, advocating the bringing in of foreign ministers, with all their insignia of position, upon this floor. And I had scarcely recovered from that surprise, before I heard the honorable gentleman from Ohio, [Mr. VALLANDIGHAM]—*par excellence*, a Democrat—one of the shining stars of the Democracy; one whom we all look to; a man of expectation, come forward in the House of Representatives and ask that the system of the British Parliament should be introduced here. I suppose he wants the Treasury benches spread out here, and the First Lord of the Treasury and the Chancellor of the Exchequer to come down to control the proceedings of the House. I suppose the gentleman wants lords and dukes—and they are generally the ministers there—to come on the floor, and have the chief control of our business.

The gentleman wants the British system pursued. Ay, sir, the gentleman, I think, has been misled by his desire to accomplish a particular purpose into acting upon a too brief examination into the question under consideration. I undertook to state this morning why the British system would not do here. There, there are generally only from forty to a hundred members present. There, members are allowed to go forward and enter upon a list on the clerk's table, notices of motions for a particular day. Well, some three or four notices are entered upon the list for a day. Now, suppose we could go forward here and enter notices of motions for a particular day, there would be one, or perhaps two hundred notices of motions for that day, crowding upon each other, and the gentleman would find that at last you would have to designate some order in which the business should be conducted. We have committees to prepare our business; they do not. Our whole system is different from theirs, and we require different regulations. The Constitution provides that we shall establish our rules; and we could not get along a day without rules; and what I ask of the gentleman from Ohio and others is, that if these rules are not satisfactory, they shall find better ones and propose them.

Now, a word in regard to this hour rule, if the gentleman will allow me. I will say that I interrupt gentlemen when they are speaking as seldom as any man on this floor; but I had been on the floor once or twice to-day, and did not want to take it again so soon, and, therefore, I asked the courtesy of the gentleman from Ohio to interpose a few remarks.

The gentleman says that our debates are not relevant to the subjects under consideration, and I agree with him that they are often irrelevant; but how will the abolition of the hour rule bring about relevant debate? Let the gentleman require that debate in Committee of the Whole, as well as elsewhere, shall be confined to the particular question before the committee, and then we shall have relevant debate.

Mr. VALLANDIGHAM. The speech of the gentleman from Virginia would no doubt have been very captivating in the region of Appomattox and upon "the stump" anywhere, [laughter;] but surely it was quite inappropriate here; indeed, I ask no better practical illustration to enforce what I said a few moments ago than this entire interruption from a gentleman who has served in the House now these ten years, and, I fear, has fallen into all its bad habits.

In reply to his last observation, I will tell him how it comes that hour speeches are of a character totally different from legitimate debate, and why members prepare speeches in writing because of the hour rule. It is important, of course, for every member to compress as much as is possible within that limit. Every man knows in his own experience that he can condense an amount of matter within an hour when he writes, which it would require an hour and a half to deliver orally. Yet, for one, I must say, in passing, I would rather listen to the dullest speech from any member here for two hours, orally delivered, than to sit for one hour under the infliction of the finest and best composed essay ever read in the House.

The gentleman from Virginia has read me a lecture on democracy, monarchy, republicanism, and the other forms of government. Sir, he himself stands here to-day the advocate of despotism. He is upon this floor defending a rule, the whole purpose and tendency of which is to prevent the free and legitimate deliberation and debate, so essential a part of legislation. But, in speaking of the previous question, he himself forgot the very wide difference between that question as it obtains here and in Great Britain. In Parliament it is used for the purpose of removing a subject from before the House, so that there shall be neither vote nor debate upon it. Here it is employed solely for the purpose of bringing the House to vote directly upon the proposition, and without debate at all. Now, if we should return to parliamentary usage, of course we would go back also to the ancient and legitimate use of the previous question, and abandon the dangerous and tyrannic perversion and abuse of it which have grown up under our own system. And yet, limited and comparatively innocuous as it is there, the previous question has not been resorted to in the House of Commons for many years; and a motion, in 1849, to limit speeches in Parliament to one hour, was rejected. And just here allow me to add, that no legislative body, anywhere, or at any time, in a free country, except the House of Representatives assembled in this Capitol, has ever submitted to this most mischievous restriction upon the freedom of debate.

The gentleman finds an apology, sir, for all these most vexatious restrictions and intricacies in the rules which preclude a member from bringing forward business, or discussing it when it is brought forward, in the number of Representatives of which this House consists. Sir, does he forget that the British House of Commons is composed of six hundred and fifty-eight members, and yet that more business is transacted there in two or three days than by this House in six weeks; and that, too, usually there in a full House. It is very true that forty members constitute a quorum for the transaction of business; and that private business, that in which the whole empire is not interested, is usually passed upon in a thin House; but whenever any great question is pending before Parliament, the House is full, and the members are nearly all present. Even the very important commercial treaty recently concluded between France and Great Britain was discussed and disposed of by the first orators and statesmen of Parliament in two nights, only some few weeks since. How long would it have occupied this House? How much time do we usually consume in discussing great public questions? The debate on the Kansas-Nebraska bill, including the reading of essays, was continued for six or eight weeks. The discussion upon the Lecompton constitution, in which from one hundred and seventy to two hundred speeches were delivered or read, occupied the time, if not the attention, of the House from the 16th of December until the 30th of April. And why is this? Because we have no legitimate debate. The speech of one member does not follow that of another. One set of ideas or arguments are not provoked by another urged by the speaker who preceded. We hear none, and have none, of that kind of debate. Disconnected lectures, written weeks before, and concealed in the desks of members, are continually produced here, and read to empty benches, and yet go forth to the country as speeches which thrill the hearts of members and of those who throng our galleries.

Sir, I remember, as an illustration this moment occurring to me, that a member from Illinois read an essay upon this floor, in the month of February one year ago, late at night, to three members and five pages, [laughter;] yet the next day it was telegraphed to a leading paper in the city of New York, as one of the most thrilling speeches ever delivered in the House; remarkable, especially, for its fearlessness, and the boldness of its denunciation, [renewed laughter,] and perfectly electrifying every one present. Now, is it not time that this evil was remedied? I repeat again, that the *quantum* of speaking will not be increased by the abrogation of the hour rule; the number of pages which make up your Congressional Globe will not be multiplied; and what difference is it to us or to the country, whether one man shall speak for two hours, or two men shall speak for one hour each? It may be of some moment to our particular constituencies; but it is none to the whole country. Let gentlemen who would discuss mere partisan or local topics, go back to the ancient usage which prevailed some forty years ago, of publishing addresses upon such questions to their constituents. Let us agree henceforth that what is said upon the floor here shall relate to the great measures of public policy and legislation which may come before us, and not to mere fleeting and temporary subjects of controversy between parties. No reform which we can devise will tend so far to bring the House back to its ancient dignity and decorum, and to that high repute which belonged to it in the earlier days of the Republic.

I desire to call the attention of the committee to the fact that for thirty years after the organization of this Government the Senate was not the center of attraction. It was the House upon which the eyes of the country were turned. It was here, sir, that in those days there were gathered an Ames, a Madison, an Ellsworth, a Randolph, a Sherman, and others of a like fame, who have made the history of our country illustrious. But, for thirty years now, and especially within the twenty years past, since the adoption of the hour rule, along with other evils, the importance and even the equality of the House has been lost; and it is the Senate whose galleries the people throng now; it is the Senate that has drawn upon itself the chief attention of the country; it is the debates in the Senate for which the public look; it is the speeches delivered in the Senate which circulate throughout the land; and, finally, it is the Senate, as the gentleman from Virgina, [Mr. GARNETT,] suggested, which is not only absorbing all the legislation of the country, but is molding that public opinion which controls the Government. Is it not apparent, then, I ask, that there should be found, and right speedily, a remedy for the disrepute into which this House has fallen? What that remedy may be, I leave to your wisdom, gentlemen, to devise; but, I repeat, that the abrogation of the hour rule is, in my opinion, the first and a most important step in that direction.

Mr. COX. I wish to ask my colleague a single question. He seems to have taken the British House of Commons as his model of a parliamentary body.

Mr. VALLANDIGHAM. Not altogether, although this House was certainly modeled after it.

Mr. COX. My colleague has, no doubt, read in Ten Thousand a Year of one Tittlebat Titmouse, who broke down a ministry by crowing at an inopportune time. [Laughter.] I suppose that, to carry out the system in this House, it should be the duty of the Speaker to appoint persons who are to perform that duty. But, as my colleague refers to classic authorities, I ask him whether it was not true that the hour rule always prevailed in the Roman Senate?

Mr. VALLANDIGHAM. Certainly not.

Mr. COX. I ask if it was not extraordinary that those great declamations of Demosthenes and Æschines always came out in exactly sixty minutes?

Mr. VALLANDIGHAM. My colleague is, as Titmouse would say, a most "respectable gent;" and no doubt the incident to which he has referred in that gentleman's parliamentary career, illustrating his powers of crowing, was called to mind by the similarity between my colleague's name [Mr. Cox] and the barn-yard fowl called

"Chanticleer who wakes the morn."

He is the very bird for the new office he proposes. [Laughter.] But I regret that he has exhibited such lamentable forgetfulness, at least, in regard to the Roman and Grecian eloquence, to which I had made allusion by way of illustration. If he had recently read the speeches of Demosthenes and Æschines, to which he refers, he would not have asked whether they were not spoken in sixty minutes. Certainly they cannot now be read in two hours, and that without including the documents quoted by the orators.

Mr. COX. That depends upon whether they are read in the original. [Laughter.]

Mr. VALLANDIGHAM. I do not profess to be as familiar with Greece as my colleague. He has seen the "isles of Greece," visited the classic shores of Attica, walked the streets of Athens, and stood upon the Acropolis. I have not. He visited Rome, too; though I may not speak of what he saw or heard in the Eternal City. He has written it in a book. [Laughter.] But I will not occupy the time of the committee longer. By reason of the very evil of interruptions of which I complained, I have been forced to speak at far greater length than I intended. I beg pardon, gentlemen.*

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* NOTE BY MR. VALLANDIGHAM.—Not aware that the report on the rules of the House was made a special order for this day, and obliged to speak, therefore, without recent examination of the subject, I append now certain extracts to which I would otherwise have referred in my remarks:

1. Many of the extant orations written by Demosthenes for prosecutors or the accused, were in State trials or impeachments; and some of them in support of the repeal of certain laws, as for example, the Leptinean oration, were read before "committees," as we would say at this day. A longer time, (if indeed there were any limit,) it would seem, was allowed in such cases.

2. The first example of limitation of time for argument at the bar in Rome, was by Pompey, upon the trial of Milo, and for the purpose of securing his conviction; but the limit then was fixed at three hours. Under the Emperors is became a settled usage; and sometimes two hours, sometimes one hour, or even half an hour, were allowed, at the discretion of the judge. Pliny assigns as the reason, that "the advocates grew tired before the business was explained,

Mr. ETHERIDGE. I propose to follow the example of some who have preceded me, in making *public* some *private* opinions I have, with the hope that they may prove beneficial to those who hear them.

Now, sir, I shall not undertake to say anything about Demosthenes, or any of those old fellows, who have been so unceremoniously introduced into this debate. I have no acquaintance with them. [Laughter.] I know nothing about them. But I desire to make some observations to those who are now present, about the decorum of the House. I shall not make any personal allusion to any member here, because *that* would provoke a discussion into which I do not care to be drawn: I concede all that the gentleman from Ohio [Mr. VALLANDIGHAM] has said in regard to the marked deterioration in the character of the debates of this body within the last few years to be true; but I will suggest that it may be that the rules of this House are not the sole cause of it. I will also say to the gentleman from Ohio, that if he will inquire into the characters of the *men* who were in this House twenty years ago, and compare them with those who are here now, it is possible that he may find quite as much difference in the men as in the tone and temper of the debates.

Mr. VALLANDIGHAM. I think not.

Mr. ETHERIDGE. Well, sir, I will not further discuss that point. I will remark, however, that the regulation and government of a body as large as this, especially when those who compose it are controlled by bad passions, was almost an impossible task, when for weeks we were without a regular presiding officer—a Speaker; but it turns out that now, when we have at last secured a presiding officer, we have not secured the observance of good order or decorum. I have seen, during the present session, the Speaker over and over again peremptorily call members to order; and I submit to this House whether such an instance has ever occurred as a member taking his seat when so called to order, notwithstanding the existence of a positive standing rule of the House, requiring that when a member is called to order *he shall take his seat.* From its simplicity, I have supposed it is the only rule of the House that is well understood; yet it is one which I have never known to be complied with.

Now, sir, I do not envy the position of the gentleman from Maine [Mr. WASHBURN] as the chairman of the select committee to revise the rules; for I venture the assertion, and think it will prove true, as a general proposition, that no man is fit to be a member of Congress who knows very much about the rules, *unless he be the Speaker of the House.* [Laughter.] Sir, if you will look at the history of the most distinguished men who have been connected with this body, and in the public service, and who have been most efficient in conducting its business, you will find that they seldom or never raised questions of order. I think their example worthy of imitation, and without claiming for myself any of their great qualities, I will say that I have been a member of Congress now some four years, and I do not think I have ever raised a question of order during that period of time; and, in fact, I never knew, or cared, whether a member was in order or out of order, if he behaved himself.

But, Mr. Chairman, we have a great many vigilant guardians of our rules—more than we have of the public interests, and so far as my observation extends, these peculiar watchers of the rules have wasted more time in discussing mere questions of order than has been consumed in legitimate debate. I say that without the slightest disrespect to any one.

Now, sir, I remarked that the rules of the House require that when a member is called to order, he shall take his seat, and retain it until the member calling him to order has stated his question of order, and the Speaker has decided it.

Mr. HARRIS, of Maryland. I call the gentleman from Tennessee to order.

[Mr. ETHERIDGE immediately took his seat amidst shouts of laughter.]

The CHAIRMAN. The gentleman from Maryland will state his point of order.

Mr. HARRIS, of Maryland. My point of order is, that the gentleman has been indulging in a lecture to the House, rather than in debate upon the pending proposition; but, sir, as he has done it gracefully, and as he has evinced by his action recently a promptitude to practice upon his own teachings, I withdraw it. [Laughter.]

Mr. ETHERIDGE. Mr. Chairman, this is an incident which I think is very suggestive. Strangers, who may be observing the attitude of the assembly now gathered around me, will, I feel sure, be inclined to ejaculate, "How pleasant it is for brethren to dwell together in harmony." [Laughter.]

A MEMBER. The biblical reading is "in unity."

Mr. ETHERIDGE. It is just the same. However, I did not propose to quote the Scriptures, but merely to give expression to my own idea. [Laughter.]

My friend from Ohio [Mr. VALLANDIGHAM] suggests that we ought to abolish the hour rule. So far as I am concerned, I feel no particular solicitude on the subject. I think, however, that the abolition of that rule would have the good effect of bringing to the discussion of important subjects many of the ablest men on both sides of the House, who, in consequence of it, are but seldom heard.

This rule compresses a man of brains into so small a compass as to dwarf all his enlarged and liberal ideas; while it enables those of stupid natures and contracted opinions so to dilute their notions as to spin out and exhaust at least sixty minutes. [Great laughter.]

Now, Mr. Chairman, if I were to attempt to elaborate the subject of the day—the standing question of "nigger"—and to submit a reply to all that I have heard *pro* and *con* upon it during this session; if I were to attempt to controvert erroneous legal propositions, debate unsound constitutional theories, I tell you candidly, it would be impossible for me to get through within the space of an hour. There are gentlemen here who, had they been allowed to proceed without the perplexing constraint of this rule, would, no doubt, long since have elaborated the subject so fully and satisfactorily as to have deterred others from attempting to speak upon a subject upon which they could offer nothing new. There was a memorable instance of this kind during the struggle here to elect a Speaker. We have just been reminded by my friend from Ohio [Mr. VALLANDIGHAM] that our galleries are not often crowded. He certainly could not have been alluding to the period anterior to the election of a Speaker; for then, when nobody respected rules, law, or order, the galleries of this House were densely crowded.

Mr. VALLANDIGHAM. We had no hour rule then.

Mr. ETHERIDGE. But to the incident to which I was about to refer. A distinguished gentleman from Ohio [Mr. CORWIN] carelessly rose from his seat, and proceeded to address the House at great length upon the various matters which arrested all our efforts to organize the House, and especially upon the slavery question; and at the conclusion of his calm, temperate, but elaborate speech, he had thereby slaughtered every diminutive Republican in the House of Representatives so effectually, that until recently not a speech was made on that side of the House on the subject he so thoroughly discussed. True, within the last few days, a few have been hurried in under the hour rule. He discussed the whole subject for two or three days, and almost every gentleman upon the Republican side felt that the honorable gentleman from Ohio, when he closed, had expressed his views much better, more forcibly, and more felicitously, than it could have been done by the great body of the members of that party; so much so that when he had finished there was not one of them who then desired to be heard. [Laughter.]

Now I say to my friend from Ohio [Mr. VALLANDIGHAM] that I am willing to abolish the hour rule. I think its abolition will do great good in more respects than one. In its operation it is not unlike the law reforms, the revised codes of many of the States. Many years ago, when the science of special pleading was in favor, a practitioner had to learn something of it before he could be a successful lawyer. Then Chitty was considered the bridge or the pass to be forced, before it was considered safe to intrust to any one the name of lawyer. The science of special pleading was a terror to lazy students and fools. A remedy must be provided. Being unemployed in the courts, a great many of these bad, briefless lawyers got into the Legislatures of the several States, and remembering their former sufferings and trials, they concluded they would reform the practice, codify the laws, and simplify matters they never understood. In plain English, they concluded to adopt a series of legislative enactments, which, when fairly translated, meant simply this: a system of laws by which a very bad lawyer could be made as good as a much better one. [Laughter.] The result has been in all the States where revised codes and simplified practice have been adopted, that lawyers are, in most cases, nothing better than a revised edition of a mean constable. [Renewed laughter.] So is it with this hour rule, in its effect upon legitimate debate.

Mr. Chairman, memory is not an attribute of reason. Some men, who have no sense whatever, have the faculty of committing to memory very many nice things, which other people have first said. A member who is a little classical in his attainments—who does not go filibustering about town, but keeps closely locked up in some quiet

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and the judges were ready to decide before they understood the question." And he asks, and the inquiry is just as pertinent now, "are we wiser than our ancestors? are the laws more just at present? Our ancestors allowed many hours, many days, many adjournments in every cause; and, for my part, as often as I sit in judgment, I allow as much time as the advocate requires; for would it not be rashness to guess what space of time is necessary in a cause which has not been opened? But some unnecessary things may be said, and is it not better that what is unnecessary should be spoken, than that what is necessary should be omitted? And who can tell what is necessary till he has heard? Patience in a judge ought to be considered as one of the chief branches of his duty, as it certainly is of justice." (Book 6, Epistle 2.) These considerations apply still more strongly to debate in a deliberative assembly.

3. Cicero says in his "Brutus," that he never heard of a Lacedemonian orator, and adds, "brevity, upon some occasions, is a real excellence; but it is very far from being compatible with the general character of eloquence."

4. Referring to the adoption of the hour rule by the House, July 7, 1841, Mr. Benton says:

"This session is remarkable for the institution of the hour rule in the House of Representatives—*the largest limitation upon the freedom of debate which any deliberative assembly ever imposed upon itself,* and presents an eminent instance of *permanent injury done to free institutions* in order to get rid of a temporary annoyance.—2 *Benton's View,* 247.

room, surrounded by the writings of great men, *may*, with the aid of a good memory, finally gather together very many pretty things—a sort of medley—

"Orient gems at random strung."

He can, I say, store them away until an opportunity is presented, when, for an hour, like one of those traveling showmen we all remember to have seen, he amuses us by pulling out of his literary mouth a long string of oratorical ribbons of every hue, color, and description. [Boisterous and prolonged laughter.]

Perhaps I had better stop. [Cries of "No!" "Go on!"] Very well, then; I took the floor for the purpose, among other things, of making an appeal to all sides of the House upon a matter that deeply concerns us. I fear, however, that my warning and my entreaties will not have much effect—that is, *with those who do not know me.* [Laughter.] I submit to gentlemen, and in all sincerity, that whatever rules we do adopt, we agree hereafter to *enforce them.* Were I disposed to imitate examples, perhaps I could get up a laugh at the expense of an inexperienced chairman—perhaps at your expense, Mr. Chairman—by devoting myself two or three weeks to a search for some obsolete rule that everybody had forgotten, and then, by making a point of order upon the chairman, seek to embarrass him by a citation of some long-forgotten rule. I do not know that I would be delighted to do so, for I do not find especial pleasure in such triumphs. I believe that the readiest and best way for us to get along is to have our rules, whatever they may be, *enforced* by the Speaker, and *to have obedience on the part of the House.* Every lawyer who has had a fifty-shilling fee, if there were no days of grace, and commercial usage had never allowed any, would not now desire any; but if they were *two* or *four* instead of *three* he would not now want the rule changed.

The question is not so much what is the parliamentary law, but enforcement of it on the part of the Speaker, and especially *obedience on the part of the House.* The report of the gentleman from Maine, [Mr. WASHBURN,] if adopted, will have no influence in expediting the business of the House, or making this body a dignified body, unless gentlemen first appeal to themselves—first reform their own conduct. A great deal of party prejudice finds its way into this Hall. A stranger who visits the Capitol would sometimes imagine that we were divided into armed bands, each ready to give battle to the other. It is nothing uncommon to hear a member allude to another substantially as "the honorable the damned rascal on the other side." [Great laughter.]

Mr. HILL. He precedes it with the designation, "my friend."

Mr. ETHERIDGE. Oh, yes! I made reference to no particular gentleman. But I will not pursue the matter further. Every one will feel that I could not have intended any personal application of my remarks. [Laughter.] I am willing, if it would conduce to the dignity and good order of the body, to concede *that I am the worst offender in this presence.* I will suffer vicariously if I can reform the manners of the House. [Laughter.] This is a grievous evil. It is bringing this House into public scandal, infamy, and disgrace. We ought to stop it. I suggest that, whatever rule we adopt, we ought to agree to be true and loyal to it; that we ought to agree to respect each other's prejudices of birth and education. Then, perhaps, we may hope to control these prejudices. Let us, if need be, take a "step backwards," for there is not one of us, I think, who will not profit in so doing. None of us are sufficiently great to be authorized to say, "I tread no step backwards." Let us go back to our rules, and, without regard to party or prejudice, let us maintain them. Let us cause gentlemen to know, that when they cease to yield obedience to them, they not only destroy their own dignity, but bring reproach upon the body itself.

Mr. Chairman, I have said this much because, for the last four or five weeks, I have felt inclined to address myself privately to members, and to entreat them to forget, for a while, party prejudice, and resolve to extricate the House from the deserved censure it has suffered, for weeks past, from a watchful people. I trust the House will not regard what I have said in the light of a lecture, but rather as an earnest but kind appeal, pertinent and proper, I trust, to the occasion. I desired to call the attention of the gentleman from Ohio [Mr. VALLANDIGHAM] to it, for he has made, as he always does, wise and practical remarks in regard to the evils of which he complains. If he will go back behind the rules he will perceive that the true remedy is for every member to apply the reform, the remedy, to himself. The evil is in the conduct of members, not in the rules.

Mr. WASHBURN, of Maine. What is the question now before the committee?

The CHAIRMAN. On the amendment of the gentleman from Ohio [Mr. VALLANDIGHAM] to the eleventh amendment of the committee.

Mr. WASHBURN, of Maine. Let it be read.

The Clerk again read the amendment.

Mr. WASHBURN, of Maine. I think the question upon this amendment has been sufficiently discussed, and I do not rise to add anything to what has been said. I do not suppose the House is prepared to return to the old system out of which it emerged some fifteen or twenty years ago; and I hope the committee will consent to have the question taken now.

Mr. FLORENCE. I desire to propose an amendment to this proposition.

Mr. SHERMAN. As it is manifest that we cannot get through this business to-night, I would move that this subject be laid aside, and that we now take up the Indian appropriation bill, as we can accomplish its consideration now.

Mr. VALLANDIGHAM. Let the vote be taken upon the amendment first.

Mr. WASHBURN, of Maine. Let the question be taken upon the amendment of the gentleman from Ohio, [Mr. VALLANDIGHAM.]

Mr. FLORENCE. I desire to offer an amendment to this proposition. I desire to occupy the floor upon this subject, and I do not wish to lose my privilege of offering an amendment to the proposition reported by the committee I am willing that the question should be taken upon the amendment of the gentleman from Ohio, [Mr. VALLANDIGHAM,] if I retain my right to offer my amendment.

The question was stated to be upon the amendment of Mr. VALLANDIGHAM, rescinding the hour rule except with regard to written speeches.

Mr. WASHBURN, of Maine, and Mr. VALLANDIGHAM were appointed to act as tellers.

The vote being taken, the tellers reported 54 in the affirmative, and 70 in the negative.

So the amendment was not agreed to.

Mr. SHERMAN moved to lay aside the subject under consideration, for the purpose of taking up the Indian appropriation bill.

Mr. WASHBURN, of Maine. With the consent of the gentleman from Ohio, [Mr. SHERMAN,] I desire to state that this subject of the revision of the rules was made the special order for to-day, and from day to day until the subject was completed, and consequently to-morrow it will take precedence of all other business, and it will be the first business for consideration in Committee of the Whole.

The motion of Mr. SHERMAN was then agreed to.

AMENDMENT OF THE RULES.

The question was taken on Mr. WASHBURN's motion; and it was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. STANTON in the chair,) and resumed the consideration—as a special order—of the report of the Committee on Rules; the pending question being upon the adoption of the following amendment, reported by the committee, on which the gentleman from Pennsylvania [Mr. FLORENCE] was entitled to the floor:

Eleventh amendment:

Amend rule 34, by adding at the end thereof the words, "*Provided further* That the House may, by the vote of a majority of the members present, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all debate upon such section;" so that it will read:

No member shall occupy more than one hour in debate on any question, in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer—*December* 18, 1847—after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee—*August* 14, 1850: *Provided further*, That the House may, at any time after five minutes' debate has taken place upon proposed amendments to any section of a bill, close all debate upon such section.

Mr. FLORENCE. Mr. Chairman, I was very much struck yesterday by the reasoning of the gentleman from Virginia, [Mr. GARNETT;] not the gentleman from Virginia who referred to my position—I will notice him before I take my seat—but the gentleman who referred to the principle of despotism practiced upon this floor, which prevents the consideration of important questions upon which we are called to act.

Now, Mr. Chairman, I think the gentlemen who have jurisdiction of the question of rules, so far as the consideration of the amendment now proposed is concerned, have lost sight of that feature of reform which I think would be most valuable in this connection, in making no provision to prevent this wide latitude of debate in the Committee of the Whole on the state of the Union. If this special committee had reported an amendment, requiring that the chairman of the Committee of the Whole on the state of the Union shall confine gentlemen strictly to the discussion of the question under consideration, when appropriation bills, if you choose, were before the committee, the difficulty would have been avoided; and this wide, vapid, silly, nonsensical debate—I speak with all due respect to every gentleman—would be avoided, and the matter under consideration would receive full discussion. I think an amendment should be introduced here by which that object would be accomplished; and this despotism of the majority, which was so eloquently deprecated by the gentleman from Virginia, would be avoided, and we should have that legitimate discussion upon the matter under consideration which is so much desired; and the result so much desired by the gentleman from Ohio, [Mr. VALLANDIGHAM,] in reference to the character of discussion, would be, to a very great extent, accomplished.

I had no idea that this subject would come up so soon this morning, and I have not examined the amendment reported by the committee sufficiently to be able to frame an amendment which shall ac-

complish the object which I desire; but I will look it over, and perhaps move an amendment before the committee passes from the consideration of the subject.

Now, sir, one word in reference to the remarks made yesterday by the gentleman from Virginia, [Mr. BOCOCK.] The gentleman was very much surprised at my abandonment of the principles which he said governed me in the position which I occupy upon this floor, as the friend of the widow and orphan, and as the poor man's advocate.

Mr. Chairman, I do not intend to get off that platform at all. I stand squarely upon it. It is true that I did offer a proposition to admit foreign ministers upon the floor of this House; but I did it in order to enable me to sustain my position more completely upon that platform. The reason why I proposed that these representatives of foreign countries should be admitted upon this floor was, that it might facilitate our business intercourse with them. The people whom I represent are an inventive, hard-working, industrious people. They frequently suggest propositions, mechanical and otherwise, which may be of benefit to the people of foreign countries. They write to me upon such subjects, and want me to communicate with foreign ministers upon the subject, that they may have the benefit of introducing their inventions into foreign countries, and extending the advantage of them to the whole world. Now, sir, I stated yesterday that I frequently have occasion to call on these representatives of foreign nations, and do not find them at their offices; and when they come to this House to call upon me here, they have to stand knocking at these doors until I come out to see them. It was, therefore, to enable us to meet business engagements with these gentlemen, and thus to meet the wants of my constituents, that I made the suggestion which I did yesterday; and the gentleman will see that it was in strict accordance with the position which he says I occupy as the friend of the workingman. It was not that I have any love for foreign ministers particularly; I have no special love for foreign ministers, or foreign anything; but I am for maintaining the domestic relations, and I am for provoking interest in our domestic and social relations. I want to cultivate peace and good will with all men, and therefore I am for encouraging social intercourse with foreign ministers. The gentleman from Virginia, therefore, will see that there has been no abandonment, on my part, of my platform. I stand fairly upon it, and I will not abandon it.

Mr. COX. I desire to ask the gentleman from Pennsylvania one question. He says his people are an industrious people. I have heard it charged, that during the recent election it required one hundred men to carry a plank. I ask the gentleman if that is a specimen of their hard work? [Laughter.]

Mr. FLORENCE. Yes, sir; it took a hundred men to carry a plank. I suppose that is one of the many slanders that are being circulated. But, sir, I will say that so far as my efforts are concerned, I intend to secure, if I can by honest and fair means, an appropriation, so that there may be more planks carried, for we have suffered of late for the means of carrying on the Government business there. I am, therefore, in favor of providing the means of employing several hundred men to carry a plank—physically, I want the committee to understand, and not politically.

Mr. REAGAN. I move to amend the amendment of the committee by adding to the end as follows:

And that no debate shall be allowed, either in the House or in the Committee of the Whole, except on the measure under consideration, to which debate shall be limited.

Mr. Chairman, I desire to say a word in relation to that amendment. I am persuaded that its adoption would work a greater benefit to this nation than the adoption of any measure which has been presented to this Congress. It has become a great grievance in this House, that much the larger portion of our time is consumed in general debate in the Committee of the Whole on the state of the Union. We are compelled day after day to listen to discussion in committees which is not limited to the subject under consideration. These discussions are in the main confined to a question over which this House has no jurisdiction, with which it has no rightful concern, and which does not amount to debate. Several days or weeks are spent in the discussion of a general appropriation bill, and during that whole time, not one word will be said upon the bill nominally before us for consideration and action. At last, to get the bill where it can be considered in fact, and not in name, where it can be brought to a vote, a motion is made in the House that further general debate shall be terminated in perhaps one or two hours. During that time, of course, the discussion is strictly confined to the bill itself. Days and weeks are consumed without any consideration of the bill, and then we are left only an hour or two, before the question is taken from the Committee of the Whole, for general remarks upon the merits of the pending proposition, to be followed, it is true, by the five minutes' debate which, in reality, is the only practical discussion of the subject. We thus waste the time of the House in not merely unnecessary, but absolutely injurious debate; injurious not only to the reputation of this House, but to the interests of the country. Instead of pertinent remarks upon the pending question, we are, as you know, Mr. Chairman, wearied during many days with agitating hour speeches upon questions with which, as legislators, we have little or nothing at all to do. It is to do away with this recognized evil that I ask the House to adopt the amendment I have proposed.

Mr. Chairman, I am apprised it is considered that general debate in the Committee of the Whole contributes, in some degree, to the public welfare. I am not prepared to deny that, under proper restrictions, good may result from general debate. But, sir, I do think, and I believe the concurrent judgment of the members of this House is with me—certain I am that the popular sentiment of the country is with me—that that general debate has been the prolific source of unnumbered abuses, far overbalancing any good that may be effected by it. I do not deny that, with others, on occasions, I have participated in those abuses. I do not, in moving for their correction, pretend that I am free from the sin I ask may be prevented in others.

In addition to the waste of time I have referred to, in addition to the expense of including written essays in the columns of the Congressional Globe, what is said and printed is not really in the nature of debate. It does not develop the policy of the country; it does not develop the views of Congress upon administrative subjects, with which we have to deal; it does none of these, to do which would be proper and profitable; but the member who takes the floor in the Committee of the Whole consumes an hour with his general remarks upon the questions which he may wish to treat—generally not the pending question before the House for consideration, but something, it may be, not before Congress, and which will not come before it; and he will not permit interruptions, because of the fact that he is confined to the limit of an hour.

Now, it is within the knowledge of all of us that it frequently happens members in hour speeches make mistakes of fact, or proceed upon false hypotheses which deserve instantaneous correction; yet when gentlemen rise to make that correction they are refused the privilege. Besides that, members feel a delicacy in trespassing upon the courtesy of the House when a member is upon the floor occupying an hour in making a speech. In this manner loose and inaccurate statements go out to the country uncontroverted. Wrong and injurious impressions are made upon the public mind where these statements circulate. If, with every such statement, the proper correction could go out, then there would not exist the objection which I now urge. Because incorrect statements go out uncontroverted, and false hypotheses are promulgated, leading to false impressions, I insist that general debate in the Committee of the Whole is a real grievance to the country.

It is not only a useless consumption of time, but questions are discussed not before us for legislation, which agitate the public mind, and, sir, I am sorry to say, which are too often designed to agitate the public mind. In that committee it would seem that we put ourselves up for political schoolmasters of the people, and their teachers as well, in matters of morality. I think that is all wrong. I believe that we are here, in the contemplation of the Constitution, to legislate upon practical governmental measures which come before us for our action; and that, when we undertake to make speeches outside of our legislative duties, we act outside of our constitutional duties. If members desire to communicate with their constituents—and it may often happen that such a proceeding is necessary—there is a convenient channel to do that, which is alike open to all, and that is to be found in the columns of the public press. When members make speeches here, they have to publish them at their own expense, and to circulate them at their own expense, except so far as the postage is concerned. I imagine that it would be just as cheap, when a member desires to address his constituents, to write a letter to them and have it published, instead of making a speech here to that end. Upon that ground, therefore, general debate cannot be considered as necessary for a proper communication between members and their constituents. When members communicate with their constituents in the manner I suggest, they will be considered to communicate their own particular views, isolated from any debate where the views of others would be reported. Speeches are made here in the Committee of the Whole when, in reality, but very few members are present, which go out to the country as if made in the presence of a full House—speeches stating propositions of importance, citing facts of importance, and assuming important premises. They go out uncontroverted, and the impression is made upon the public mind that they could not be controverted, however wrong they may be, when, in truth, there was no opportunity presented for any correction to go out with them.

Mr. Chairman, this general debate in the Committee of the Whole consumes, I will venture to say, one-fourth of the time of the House. Perhaps I am too low in my estimate, and I had better state that it consumes one-third of our time. It thwarts the beneficial objects of legislation; it lowers us in the scale of public estimation; it induces that disregard of our proceedings, so pertinently referred to yesterday by the gentleman from Virginia, [Mr. GARNETT;] it entails heavy expense upon the country, by unnecessarily encumbering the columns of the Congressional Globe with extraneous matter; and, more than all, it diverts the minds of members from the proper and legitimate business of the session. However inconvenient it may be felt to be in this House, and however strongly it may be condemned by us, it is still more tiresome to the country, and still more strongly condemned by the people of the country. There is nothing to which my attention has been oftener directed by the people of the country than the crying evil of this useless consumption of time, in what we

call general debate in Committee of the Whole, of questions not before us for consideration. I am assured that the country will feel grateful to us, that it will be benefited by the beneficial results to our legislation, if we adopt my amendment or something like it, that looks to the same object.

I know, sir, that in the thirty-second amendment there is, to some extent, a limitation imposed upon abuse of general debate; but it does not go far enough. It only relates to the discussion of questions which are made special orders. It ought to go further. I trust, sir, that my amendment will be adopted.

Mr. WASHBURN, of Maine. I do not desire, as I do not intend, to occupy the time of the committee beyond a few minutes; for I am anxious that we may get through with these amendments as soon as possible. And I will say, just here, that I trust there will be no more debate than is necessary to the elucidation of the questions which are really before the committee. Mr. Chairman, I cannot concur with the gentleman from Texas in the amendment which he has offered. I think that it is unnecessary and unwise. I believe that the committee on the revision of the rules have gone as far as they deemed prudent, and as far as they thought the House would sustain them in going, when they confined debate to the questions directly before the House. It is known, sir, that now debate in the House is confined strictly to the question immediately pending, and that it is only in Committee of the Whole, that great safety-valve, that there can be general debate. Yet the gentleman from Texas [Mr. REAGAN] proposes that debate shall be limited there, or prevented altogether; because, under his amendment, it will be within the power of a majority of the Committee of the Whole to take the President's message out into the House, or within the power of a majority of the House not to refer it to that committee; so that there will be no question there whatever upon which general, political, and, I believe, salutary, wholesome, and necessary debate will be in order.

Mr. MILLSON. Mr. Chairman, as I think a great deal of misapprehension exists upon this subject, I desire to say a word or two upon it. Upon inquiry of my friend from Texas, [Mr. REAGAN,] I learn that the object of his amendment is to require the discussion in Committee of the Whole to be confined to the subject referred to it. My friend from Maine [Mr. WASHBURN] seems to oppose this suggestion, and thinks that in the Committee of the Whole on the state of the Union debate need not be confined to the subject under discussion. Now, sir, I differ with both gentlemen; and say here, however strange the assertion may seem, that, under the existing rules of the House, applied to discussion, either in the Committee of the Whole on the state of the Union or in the House, no debate is in order at any time except upon the subject under consideration. The mistake made by my friend from Texas [Mr. REAGAN] is in not adverting to the fact that, when the Committee of the Whole on the state of the Union is charged with the consideration of any question, it is the state of the Union which is the subject under consideration; and I have been surprised, and sometimes annoyed, at the effort of gentlemen to amend our rules by providing that all discussion shall be confined to the subject under consideration. It needs no amendment of the rules to require discussion to be confined to the subject under consideration; and the House, in referring any bill to the Committee of the Whole on the state of the Union, declares that the state of the Union shall be the subject under discussion. It would be attended, as the gentleman from Maine [Mr. WASHBURN] has suggested, with very mischievous results, if this House should confine debate, at any time, to the very bill referred to the consideration of the committee.

A brief historical reference to the origin of the Committee of the Whole on the state of the Union may not be uninteresting. It is connected with the struggle of liberty against despotism. It was a contrivance of the British Parliament to escape from the supervision of the Speaker, who was formerly the creature of the Crown, appointed by the Crown, and whose election, even at this day, is subject to the approbation of the Crown. It was to enable them to carry on discussions freed from the supervision of this officer, and to be controlled only by a chairman of the committee appointed by themselves. Thus, whenever it became important to consider the state of the nation; whenever it became important to escape from the strict rules applied by the Speaker, the House of Commons would resolve itself into a committee of the whole on the state of the nation; and they would go into the committee of the whole on the state of the nation for the very purpose of discussing those questions which it might not be permitted them to discuss by the proposition actually before the House. And, in voting the supplies, it was the privilege of the House of Commons, first to determine upon administration, and to refuse all supplies until there should be a redress of grievances. And so it is now, Mr. Chairman, in England and in this country.

If the House wish at any time to confine debate in Committee of the Whole to the bill referred to that committee, they have nothing to do but to refer it to the Committee of the Whole House; and when a bill is referred to the Committee of the Whole House, there can be no discussion except upon the merits of the bill itself; and no irrelevant subject can be considered in connection with a bill so referred. We have fallen into the mistake here, from the practice of the House to refer nothing to the Committee of the Whole House but private bills. If the House pleases, they may refer a bill for the construction of the Pacific railway to the Committee of the Whole House, and not to the Committee of the Whole House upon the state of the Union. If we wish to escape this irrelevant discussion upon any bill, refer it to the Committee of the Whole House, usually called the Committee of the Whole on the Private Calendar, but not necessarily so; but it is only because we are not in the habit, of late years, of referring any question to the Committee of the Whole House except private bills. But it is within the power of the House to refer all bills to the Committee of the Whole House; but whenever they refer a bill to the Committee of the Whole House on the state of the Union, then you put the state of the Union in question; you invite debate upon all questions that relate to the condition and state of the Union. And it is a very great mistake to suppose that any discussion which relates, however remotely, to the condition of the Union, is out of order or irrelevant to the subject referred to that committee. I think, then, sir, that it would be attended with very mischievous results were we to adopt the amendment proposed by the gentleman from Texas, [Mr. REAGAN.] It would be striking down the most valuable privilege of the Representatives of the people; it would be taking from them the privilege of discussing the condition of the Union in connection with appropriation bills, or with all other bills, the success of which may be in some degree dependent upon the opinion of members as to the state of the Union. I hope, therefore, this amendment will not be adopted.

Mr. REAGAN. Let me here say one word. What I wish to say is this: that so far as the discussion in relation to the state of the Union is concerned, no man who has witnessed the discussions on the state of the Union in this House will deny that these discussions have done more to disrupt the bonds of the Union and to destroy the Union itself, than anything that has ever been done in the Congress of this country. That is the very evil I desire to avoid, and to confine our debates to questions that are connected with practical administrative questions, and to prevent the publication of pabulum for the destruction of the Union.

Mr. FLORENCE. There is a proposition to amend here which I did not see when I made the remarks I did; I had intended to offer an amendment, to come in here, that no member shall occupy more than one hour in debate on any question, either in the House or in committee, and which debate must be confined to the subject immediately under consideration in the appropriation bills.

Mr. WASHBURN, of Maine. That is already provided for.

Mr. FLORENCE. I understand that this whole purpose can be attained by an amendment to the 34th rule, by making the appropriation bills the special orders, and the majority of the House can always control it.

The question was taken upon the amendment of Mr. REAGAN; and it was not agreed to.

Mr. JONES. I move to amend the amendment by striking out all that part of the eleventh amendment which limits debate to one hour.

Mr. WASHBURN, of Maine. I rise to a point of order upon that amendment.

Mr. VALLANDIGHAM. That is not the same question which was acted on yesterday.

Mr. WASHBURN, of Maine. The same question was voted down yesterday.

Mr. VALLANDIGHAM. My proposition yesterday, in reference to this hour rule, was accompanied by a limitation.

Mr. JONES. I do not desire to discuss this hour rule. It was fully and ably discussed yesterday. I merely desire to test the sense of the House.

Mr. WASHBURN, of Maine. The question was tested yesterday, and therefore I insist upon my point of order.

The CHAIRMAN. The Chair thinks the point of order is very well taken. The Chair does not very well see how that amendment can be made intelligible in connection with, or by incorporation into, the section. It does not propose to strike out any line or clause. The Chair supposes it is not in order, inasmuch as it does not propose any specific modification or amendment.

Mr. JONES. I will modify the amendment, and move to strike out the words "no member shall occupy more than one hour in debate on any question in the House or in committee."

The amendment was not agreed to.

Mr. FLORENCE. I move to amend by inserting, after the word "committee," the words "all debate must be confined to the subject-matter under consideration in the appropriation bills."

Mr. WASHBURN, of Maine. There is no necessity for that amendment, for if we adopt the thirty-second amendment debate will not be in order on appropriation bills whenever they are made a special order, and it is competent for a majority of the House to make appropriation bills the special order at any time.

The amendment was not agreed to.

Twelfth amendment:

Amend rule 42, by inserting after the word "commenced," in the fifth line, the words "and before the main question is ordered to be put;" so that it will read:

Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced, and before the main question is ordered to be put; and the question shall then be taken without debate.

The amendment was agreed to.

Thirteenth amendment:

Amend rule 50, by striking out all after "January 14, 1840," in the tenth line, and inserting in lieu thereof the following: "but its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion. Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed as though no motion for the previous question had been made. A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present;" so that it will read:

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and its effect shall be to put an end to all debate, and to bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question; but its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion. Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed as though no motion for the previous question had been made. A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present.

Mr. NOELL. I have an amendment to offer here. I propose to amend by adding to the end of the rule, as it will stand if the amendment of the committee be adopted, the following:

Provided, That when a bill or resolution is introduced by a member, or reported from a select or standing committee, and it is proposed to put the same on its passage without referring it to the Committee of the Whole, and the previous question shall be demanded, then, before there shall be a second to the previous question, at least one member shall be allowed to speak in opposition to such bill or resolution; and the Speaker shall not put the question until such opportunity shall be allowed.

I will say a word or two in reference to this proposed amendment. I do not profess to understand the rules of this House; and if there is any reputation on earth I least desire, it is that of understanding the little technicalities and details of parliamentary proceedings. But I should have less than common sense if I failed to appreciate the effects of the previous question, as it has been disclosed since I have been a member of this body. I have, on different occasions, seen its effects in cases of propositions coming from committees, or introduced by members upon the floor, on which the thumb-screw of the previous question has been applied; and gentlemen who were opposed to the proposition or the resolution were precluded from all opportunity of making objection. It is fresh in our recollection, that when one of the most important bills ever presented for the consideration of this House was recently reported from a standing committee of the House by the gentleman from Illinois [Mr. LOVEJOY]—I refer to the national homestead bill—this previous question was demanded upon it, and no gentleman who was opposed to that measure was allowed the poor privilege of giving the reason which actuated his vote. I desired upon that particular occasion to say to the House and to the country that I regarded the fourth section of that bill as a violation of the Constitution, and as an attempt to interpose the power of the Federal Government between the individuals of a sovereign State and the State authorities themselves.

The CHAIRMAN. The Chair hardly supposes that the homestead bill is under consideration.

Mr. NOELL. I am only referring to the action on that bill to illustrate the effect of our rules. I was opposed to the character of that bill, and was desirous to state to the House the effect of the provisions of the fourth section of that bill; but I was precluded from doing so by the operation of the previous question.

A few days previous to that time, the gentleman from Ohio, [Mr. GURLEY,] the chairman of the Committee on Printing, introduced from that committee an important resolution upon the subject of printing. He did generously and magnanimously condescend to say to the minority of this House that they should be permitted to ask of him questions, and to receive from his lips the law and gospel upon the subject under consideration; but no gentleman upon this side of the House was permitted to interpose any objection to the resolution, or to show why it should not be adopted. So it has been in reference to other important propositions. Resolutions were introduced here for the purpose of raising investigating committees, and gentlemen were not permitted to ask those who introduced these resolutions to make their charges against the Administration more specific.

The previous question, in the hands and under the control of this despotic majority, seems to me to be designed, in its present form, to cut off all opportunity to interpose objections or to offer amendments. Unless this rule is modified by the adoption of some such amendment as I have proposed, I desire to announce to this committee that I will oppose any proposition, good or bad, which is reported from a committee, upon which the previous question is demanded, unless it shall be sent to the Committee of the Whole on the state of the Union, where opportunity is afforded for discussion and amendment. I regard it as a despotic rule, the operation of which is to cut off all discussion and all amendments on the part of the minority. As such, I take my stand against it from this time, and unless some such modification as I have proposed is made to the rule, I shall vote, during the time I have the honor to occupy a seat upon this floor, against all bills and all resolutions upon which the demand for the previous question is sustained before reference or discussion.

Mr. GROW. I have only a word or two to say; and I should not trespass upon the time of the committee at all but for the fact that this very point has been made a number of times. Gentlemen seem to think it a very great hardship to have the previous question called, and all the remarks of the gentleman of Missouri apply to the calling of the previous question at all. If you are to have a previous question at all, of course it must cut off debate and bring the House to a vote. That is the object of it.

The gentleman complains that the previous question was called on the homestead bill. Sir, that bill has been discussed for eight years, more or less, at every session of Congress; and yet gentlemen think they can enlighten the judgment of this House by talking an hour, so as to change their votes upon a question which has been so long before the House. That bill had been discussed and amended in committee three times, and had been before the House eight years; and yet the gentleman complains because the previous question was called and we would not waste a week or two again on the same subject.

Now, the previous question, if it does exist in our rules at all, must exist as we have left it here. When called, it must close debate; otherwise it is of no use; and the majority must take the responsibility of passing the bill. They do not ask the minority to be responsible for it. The minority can put themselves on record as opposed to it.

Mr. NOELL. I desire to ask the gentleman a question just at this point. I believe the question of a protective tariff has been discussed in this country for fifty years. I desire to know if it is the intention of a majority of the House to spring the previous question when the tariff bill is reported?

Mr. GROW. I do not know.

Mr. NOELL. I ask him if he believes it would be treating the minority of the House with justice to introduce such a measure as that, and spring the previous question upon it, for the simple reason that it has been the subject of discussion for fifty years.

Mr. GROW. I do not know whether the previous question will be called or not, because I have not the measure in charge; but I say that whenever the majority of the House put the previous question upon me, if I do not like the measure, I call the yeas and nays, and place myself on the record as opposed to it; and I am not responsible for the action of the majority.

Mr. NOELL. I desire the gentleman from Pennsylvania to understand that I was not sent here for the purpose of evading responsibility; but to endeavor to discharge my duty to the country.

Mr. GROW. I do discharge my duty, in my estimation, when I vote against what I believe to be wrong, and vote for what I believe to be right, whether I have a chance to speak on it or not. I never believed that I was to influence votes in the House by speaking; and therefore it is not a question with me whether I shall have a chance to be heard or not, so far as discharging my duty to my country, to myself, and to my God is concerned. If the House chooses to pass iniquitous measures, the vote will show who is responsible for it; and those who vote against it are not responsible.

Mr. NOELL. Then I say, let us adopt a rule suppressing the freedom of speech in this Hall eternally.

Mr. GROW. Unless you have some rule to stop debate some time, you can never pass any measure. I am, therefore, in favor of the previous question sometimes, and will trust to the majority of the House that the previous question will not be abused; but the majority must take the responsibility of any abuse that results from it.

I did not rise to delay action; but the remark has been thrown out a number of times during this session that the previous question, as is exists in our rules, invades the rights of the Representative, and prevents him from properly discharging his duties. I do not so regard it; and I think we have thrown around the right of debate greater safeguards than before. If the majority at any time desire action of the House, and that one person shall not consume time that every other member in the House does not want consumed, then they call the previous question; and it is right that they should have that power; otherwise, nine-tenths of the House may be placed in the power of three men who want to talk. Now, I am opposed to any such freedom of debate as that. Whenever a majority want discussion, let them have it; and when they want to stop it, let them stop it.

Mr. NOELL. I do not propose that every member on the floor shall have the privilege of debate; but only to allow one member to speak in opposition to a measure before the previous question is ordered.

Mr. GROW. And if no one in the House wants to hear him, they will be obliged to do so. That is the very point I am making. You place the House in the power of one man who wants to be heard, because he thinks he can change the votes of other members; and all the other members must sit still and hear him.

Mr. NOELL. Let me ask the gentleman what is the reason of the rule which allows the member reporting a measure to speak in favor of it; and if the same reasoning would not apply to that?

Mr. GROW. The object of that rule is, that the gentleman who reports a measure may give to the House what information the committee has collected upon the subject. The committee have spent time and labor in investigating the question on which they report, and have gathered facts in an official shape, and they communicate these facts to to the House, and leave the House to act on the proposition.

Now, all I wanted to say was, that if you have the previous question

at all, it will cut off debate. You can have no previous question if you are to allow every gentleman to talk who wants to talk.

Mr. STOUT. I desire to offer a substitute for the amendment of the gentleman from Missouri. It is in these words:

Add at the end of the amendment of the committee as follows:
And in all cases where a bill is put upon its passage without first having been referred to and considered in the Committee of the Whole, it shall require two-thirds of all present to sustain the demand for the previous question on said bill.

The object of that amendment is to avoid, in the first place, unnecessary discussion, and at the same time, unless a bill meets with such favor as that it is able to receive the support of two-thirds of the members present, it is still open for discussion, so that a majority of the members present cannot cut off discussion upon a bill which has not been referred and considered in Committee of the Whole. It only applies to such bills as are put upon their passage without first having been referred, and it seems to me that no member would desire to put a bill through the House without reference to the Committee of the Whole, the merits of which would not address themselves to the favorable consideration of at least two-thirds of the members of the House. It seems to me that no injustice could be done by the adoption of this amendment, and at the same time it very properly guards against passing bills which we ought not to pass hastily and without due consideration.

Mr. NOELL. I will accept that in lieu of my own amendment.

Mr. WASHBURN, of Maine. That amendment would almost destroy the entire value of the previous question. If it is to be the rule of the House that it shall require a two-thirds vote to sustain the previous question upon any matter that has not been referred to the Committee of the Whole, we might as well abolish the previous question altogether, for it will practically place it in the power of one-third of the members of the House to prevent any business from being done.

Mr. PENDLETON. I hope this amendment will be adopted. I have very little knowledge of the rules of this House. I certainly do not know all the evil that is connected with them, for I learn more of it every day; nor do I know the good that is connected with them, for, as they are applied in the practice of the House, it seems to me almost impossible to discover it. I am in favor of this amendment, because it will to some extent cut off the arbitrary power of the majority over the whole business of the House in violation of every right of the minority. As I understand it, the committee have already adopted an amendment providing that the five minutes' debate may be terminated by a majority after there has been one five minutes' speech upon a measure. Now, I appeal to every member of the House, whether the five minutes' debate upon our bills in Committee of the Whole is not the most profitable debate which we have; whether it does not do more for the elucidation of the matter under consideration, by drawing out the information which may be in possession of members in reference to them, than any other species of debate? The tendency of the rules now is to curtail all legitimate debate upon pending measures, and I think the committee has only intensified the evil.

Mr. Chairman, it seems to me that the rules of this House are so constructed as to render it almost impossible for a new member to learn them; and when he has learned them, it is almost impossible to accomplish anything under them. There is but one day in the week, as I understand it, when a resolution or a bill can be introduced into the House, except upon the unanimous consent of the members present. That day is Monday. And it has so happened during the present session that upon every Monday except one it has been impossible to offer a resolution or introduce a bill, except upon the sufferance of two-thirds of the members of the House. The States and Territories have been called for bills and resolutions once during the present session, but that was so near the commencement of the session that few members were prepared with their bills and resolutions. I have sought the floor time and again on Monday, for the purpose of introducing two bills affecting the interests of my constituents, and not in any great degree affecting the interests of any one else; yet I have found it impossible to obtain the floor on Mondays, and when I obtained the floor on another day, the gentleman from Pennsylvania [Mr. GROW] called for the regular order of business, and would not give way to allow them to be introduced. What was his reason? That so many others would want to do the same thing! And the fact that there were many other members desirous of attending to the business of the House and of their constituents, by introducing bills and resolutions of importance to them, was the reason why he would not give way.

Mr. GROW. I did not object to the introduction of the gentleman's bills yesterday.

Mr. PENDLETON. The gentleman did not. I was about to say that I did yesterday introduce them by the unanimous consent of the House. But, Mr. Chairman, I ought not to be obliged to ask unanimous consent; I ought not to be constrained to appeal to the courtesy of all or any of the members of the House. I think it is the right of every member of a legislative body to introduce whatever propositions he may deem important to have considered, and have them referred to the organs of the House, which are its committees. I see that the special committee whose report we are now considering have presented an amendment which will, in some measure, obviate this difficulty. They have provided, as I understand it, that upon each alternate Monday the States and Territories shall be called for the introduction of bills and resolutions, and that it shall not be in order to go into Committee of the Whole until one hour shall have been devoted to that call. Yes, sir; one hour in two weeks is allowed to the two hundred and thirty-seven members of this House to introduce their bills and resolutions, when it is within the knowledge of every member of this body that three, four, or five hours of every day of every week will be devoted to the debating society in Committee of the Whole, when, by general agreement, no business is to be transacted. Sir, I say this debating society is disreputable in every respect, and ought to be discontinued.

Mr. BRANCH. Will the gentleman from Ohio allow me to make a single suggestion?

Mr. PENDLETON. Certainly.

Mr. BRANCH. The evil of which the gentleman speaks is certainly a striking one; and yet I think it is an evil growing out of our practice under rules, rather than of the rules themselves. The rules provide that the call of committees for reports shall be first in order, and then the call of the States and Territories for the introduction of bills and resolutions; and the reason why the call of the States and Territories is never gone through with is, that there is another motion which is always in order; that motion is to go into the Committee of the Whole on the state of the Union; and the anxiety of gentlemen to go into committee to make buncombe speeches is so great that they do not allow the call to be gone through with. Now, if the gentleman from Ohio, and all of us, will watch the business of the House, and whenever a motion is made to go into committee before the expiration of the morning hour, vote it down, there will be no difficulty in getting in all the bills and resolutions that any gentleman may desire to propose, or in making any report that any committee may desire.

Mr. WASHBURN, of Maine. The gentleman will also observe that under the amendment which we have reported it will not be in order to move to go into committee or to suspend the rules for any purpose on each alternate Monday until one hour shall have been spent in the call of the States and Territories for bills and resolutions, which will be sufficient to enable every member to present every bill and resolution which he may wish to bring forward.

Mr. PENDLETON. The statement of the gentleman from North Carolina [Mr. BRANCH] has a great deal of truth in it, but it does not meet exactly the objection which I am now making. The gentleman states that the business in order during the morning hour is the call of committees for reports. That is true; and if the House does not go into committee, and there is no unfinished business holding over from a former day, the committees will be called for reports. But that does not meet the difficulty. I know that the committees are occasionally called for reports; but the difficulty is, that the call is never gone through with, and gentlemen have no opportunity of introducing their propositions to be referred to committees. It is true that one hour may be spent for that purpose, under the plan proposed by the committee, once in two weeks; but one or two hours in two weeks will not be sufficient to go through with the call. I venture to say that whenever the States and Territories have been called for this purpose, since I have been a member of this body, the call has not been gone through with in less than three or four hours. You would scarcely commence the call in one hour.

Mr. WASHBURN, of Maine. I will suggest to the gentleman that the reason has been that we have not adhered to the rule prohibiting all debate and the introduction of bills and resolutions merely for reference. I think it has been within the experience of every member who was here during the last Congress that the call was frequently gone through with within an hour; and I think the House will find that, if this rule is adopted and adhered to, the time provided will be ample to enable gentlemen to introduce all their bills and resolutions.

Mr. PENDLETON. It may have been within the experience of the gentleman, for he has been here much longer than I have.

Mr. WASHBURN, of Maine. Within the time in which the gentleman has been a member of the House.

Mr. PENDLETON. It may have been, but I have no recollection of any such occasion. I do not mean to say that the call is never completed. It has occurred once, and I believe only once, in the two months since this House has been organized. I only give my own experience in relation to the matter.

And, Mr. Chairman, when a member finally succeeds in introducing his measures, it is almost impossible for him to get them before the House for consideration. They go before a committee, and that committee reports when it pleases and as it pleases. What is the result? Just this: that a measure as important as was the one the other day in relation to the Territory of Utah, of which no man heard, unless he was a member of the Committee on the Judiciary, until it was presented to the House, is brought in here, and being read without the reading of the report of the committee, if any was made, is sought to be carried through under the operation of the previous question—a bill, sir, that commits this House to a course of legislation as to the propriety of which there is great doubt; a bill which makes criminal certain practices in the Territory of Utah—without the House knowing really what are its provisions, what its penalties, and what the reasons for them.

What is the excuse for cutting off the five minutes' debate, and in-

sisting on an arbitrary power to call the previous question? It is the same in both cases; it is, that members have not time to consider matters of practical legislation; that the patience of the House would be wearied by them. If we are to legislate at all, let us legislate upon subjects before us. If we are to consider these bills, and to pass upon them, let us do so intelligently and after discussion and consideration. If this bill in reference to Utah Territory is to be passed, let it be passed after consideration; let it be done when we all understand what it is. Do not let us pass any measure without fair and proper consideration. Yet, sir, as the rules now stand, if a majority, immediately upon the submission of a report from a committee, desire that the bill shall be passed, by calling the previous question and sustaining that call the bill can be passed, without giving to a single member the privilege of saying a word beyond uttering upon a call of the roll his "ay" or "no." I say that that is not right; that it violates alike his rights and the rights of his constituents.

And what is the reason always given for it? That we must hurry through with all important legislation, in order that gentlemen may go into the Committee of the Whole on the state of the Union, for the discussion of every imaginable question in politics, in law, in philosophy; everything, indeed, except the matters which are fairly and legitimately before us. You cannot give an hour or two to the consideration of a practical question, when you give days and weeks to the discussion of the everlasting subject of the negro. And that, sir, has gone so far that it is the daily practice of the House—not just now, but it has been so within my experience, and it doubtless will be during this session—at two or three o'clock to go into the Committee of the Whole on the state of the Union, by unanimous consent, with the understanding that no action shall be taken on any question. Then members address empty benches, or half a dozen pages, reading written essays, which are pertinent or impertinent, as the case may be, to the subject in hand, or to any other subject which can ever come before the House for consideration; and, as my colleague has said, the whole country is told next morning, by telegraph, that the House was electrified by the power and eloquence of the honorable orator.

Now, Mr. Chairman, what is this proposition? Why, sir, that two thirds of this House shall be necessary to cut off debate. Is it not right? If the gentleman is not afraid that the majority will abuse this power of cutting off debate, I would like to ask him whether he is afraid that one third of the House will exercise its power improperly by protracting debate?

Mr. NOELL here made a remark which could not be heard at the reporters' desk.

Mr. WASHBURN, of Maine. I want to ask the gentleman from Ohio if it will contribute to the business of the House to bring into this House the operation substantially of the two-thirds rule? Will he accomplish any good by providing that no bill shall come from the Committee of the Whole on the state of the Union until two thirds of the members shall be ready for that proceeding? Will it not place the legislation of the country in the hands of one third of this House? I do not believe that the members of this House are prepared to adopt that two-thirds rule. If they did, then but few measures would ever come from the Committee of the Whole on the state of the Union; for, sir, even as it is now, it is next to impossible to get any bill from that committee. If you enlarge the number of bills upon the Calendar, put more bills there than there are there now, how many do you think you would get into the House under the operation of the previous question?

Mr. PENDLETON. The gentleman from Maine can ask me a great many questions in relation to the rules which I cannot answer; a great many to which my attention has not been turned; a great many to which I could not give the proper answer, even though I understand it, if I were required to point out the rules to be changed; for, sir, I commenced by stating that I knew very little about the rules of this House. I have seen and felt their practical operation in some particular cases. Now, in answer to the gentleman, I am prepared to say this: if you will confine the debates in this House to the subject which is pending for consideration, and if you then permit two thirds of the House only to call for the previous question, I think that it would be a great improvement upon the present system.

I have, sir, no sort of admiration for this discussion in the Committee of the Whole on the state of the Union on the President's message and other general matters. I do not think that it answers any good purpose. I do not think that it informs the country. I do not think that the country ought to be informed in that way. I think that speeches made in this House ought to be made for the purpose of convincing the minds of members who are to vote upon specific propositions. Whenever you propose to embody in a bill or joint resolution any suggestions or recommendations of the President's message, and that bill or joint resolution is up for consideration and action, then I think that the particular policy to be pursued in that regard is properly up for discussion; but I am entirely opposed—no, I will not say opposed; but, sir, I do not admire it: I do not think it proper; I do not think it answers any good end for the members here, day after day, to neglect the practical legislation of the country upon the pretence that we have not time, when we sit here; or rather the House sits here nominally, and we ought to sit here actually, if we did our duty, discussing subjects which are not before us, and which probably never will come before us—discussing, I said—I mean reading essays upon such subjects, in bad taste, in a worse spirit, one-sided, partial, embittered essays, full of reckless assertion of facts, full of vituperation and abuse, discreditable to the House, discreditable to the authors, and useful only for evil.

Now, sir, I do not think a better illustration of this whole difficulty could be presented than is presented in the Utah bill, reported the other day from the Committee on the Judiciary. I do not say that it did not come here under the rule; I do not say that it could not be voted on; but I say that the practical question then presented to the House was this: Will you pass this bill without consideration, without knowing what it provides, or will you send it to the Committee of the Whole on the state of the Union, where you will never get at it? I do not know that that was necessarily the alternative upon that bill; but I inferred it from the expressions then made use of by gentlemen.

Now, sir, if there is any receptacle to which bills go, and out of which they cannot come; if the Committee of the Whole on the state of the Union is such a receptacle, then I want the rules of this House reformed in such a manner as that they can be got out and brought before this House and considered; that they shall be brought here and subjected to the judgment of the House, and be passed or rejected. It does strike me, and I think that it will strike every one who comes here for the first time, and whose experience is limited to one or two sessions, that instead of aiding discussion; instead of making this House a deliberative assembly; instead of enabling us to do that, which we were sent here to do—to compare views, to correct our opinions by comparison with the opinions of others—the rules are contrived in such way as to defeat the consideration of matters of practical legislation, and to give every advantage to questions of general political interest only. Now, it may be the fault is not in the rules; it may be that the fault is in the temper of the House; but certain it is, that the difficulty exists, and that we all know it.

The gentleman from Maine [Mr. WASHBURN] knows it as well as any other gentleman of this House; for his long experience must have forced it upon him. The gentleman from Tennessee [Mr. ETHERIDGE] spoke of the growth through the country of the codes of practice; and he gave, as I think, a very good reason for the abolition of the original system of special pleading. He said that those who were opposed to that system generally knew nothing about it, and they undertook to get rid of that difficulty by abolishing the system altogether; whereas, the true course would have been to make the old rules more stringent, to abolish common counts and general issues. I am not prepared to say that that is not the case here. My friend from Virginia, [Mr. BOCOCK,] and the gentleman from Maine, [Mr. WASHBURN,] may know better than I do; and their long experience may lead them to say that the only reform needed is to make the rules still more stringent. But if that is the case, I should like to see those gentlemen who have undertaken to accomplish an amendment of the rules make to us a report from which we can determine somewhat for ourselves whether this is a true reform. I do not propose to deal in general denunciation of these rules; I do not understand the half of them; for when I read them, they are almost as unmeaning to me as before I did so. But I speak of two great evils under these rules which I have noticed, and under which I have somewhat suffered. The first is the impossibility of getting a measure before the House, and the next is the impossibility of considering that which is practical which enters into the legislation of the country, instead of those matters which come up in the Committee of the Whole on the state of the Union, and which embrace every conceivable subject, of every character and description, which at any time it may enter into the brain of any gentleman upon this floor ought to be discussed before the House or the country, or his constituents, or for his own amusement, without the least regard to the practical legislation which the country requires.

Mr. GROW. Mr. Chairman——

Mr. VALLANDIGHAM. I would like to ask the gentlemen from Pennsylvania [Mr. GROW] how many times in the eight or ten years' experience of the gentleman, has this House failed to second the demand for the previous question?

Mr. GROW. I do not recollect.

Mr. VALLANDIGHAM. Name one instance.

Mr. GROW. There was one instance in Speaker Banks's time, and it got us into a great deal of difficulty, as the matter went over until the next day. I desire to correct an impression of the gentleman form Ohio [Mr. PENDLETON] about the rules. He is laboring under a slight mistake in supposing that there is no time in which gentlemen can have anything done except by unanimous consent, or by a vote of two thirds of the House. If all our rules are adhered to as they now stand, all our busines can be disposed of. There is a time for every class of business to be reached and disposed of if our rules are adhered to.

And now, one word in regard to a point referred to by the gentleman from Ohio, [Mr. PENDLETON,] that is, my objecting to certain measures being received. Why did I do that? It was in order to accomplish what the gentleman says now he wants to have done. The rules require the committees to be called, and after they have been gone through with, then the States and Territories are to be called, when every gentleman here would have an equal chance. So that what I wanted done is exactly what the gentleman says he wants done. But gentlemen never appreciate objections made to what they

desire to have done, and are disposed to think all such objections as captious. I think we should object to all business being done out of the regular order, and thus we would be enabled to facilitate the business of the House. What the gentleman says he wants done can be done by doing the business of the House in the regular order. Let your committees be called, and no one committee can occupy more than one day, and when the committees are called through then the call of the States is next in order, when any gentleman can bring forward his measures. But if you allow gentlemen to come in during the morning hour and ask for unaminous consent to introduce measures, you will consume all your time and you never will reach the States.

Mr. PENDLETON. Has there ever been a call through the regular order of business upon any day?

Mr. GROW. Yes, sir; since we adopted this provision to the rules.

Mr. PENDLETON. In one session?

Mr. GROW. Yes, sir.

Mr. PENDLETON. How often.

Mr. GROW. Only once, I believe; because we adopted the rule only the Congress before the last, and have not practiced it.

Mr. PENDLETON. Is it not perfectly in accordance with the rules of the House, at any time after the morning hour has expired, to move to go into Committee of the Whole? and cannot a majority, by doing so, interrupt the call, and prevent the introduction of measures? And it is not in order, on Mondays, for any gentleman to object. Upon those days does it not require two thirds to introduce any proposition?

Mr. GROW. In the first place, your committees are required to be called in order. After one hour has expired any member can move to proceed to the business upon the Speaker's table; and you cannot take the floor from any gentleman, except for that purpose. If the House does not consent to proceed to the consideration of the business upon the Speaker's table, then any member can move to go into Committee of the Whole. But you cannot take the floor from a member who has it to go into Committee of the Whole, even if the hour has expired. If the hour has expired, and you are on the floor, you are entitled to your hour, unless some gentleman rises and moves to proceed to the business upon the Speaker's table, which, if it is agreed to, postpones your business until the next day. Thus you have one hour for the dispatch of the committee's reports. When you have gone through all your regular committees in order then you take up the select committees, and after they are concluded you commence the call of the States.

I desire to speak more particularly now in reference to the gentleman speaking of my objecting. I know, as I said before, that it is an ungracious task; but, without any personal feeling in reference to any gentleman, or without any desire to prevent what he seeks to attain, I make the general objection, in order that we may once more get to the regular order of business of the House according to its rules; for I must say, that our practice here for eight weeks did not inculcate much notion of regular business, and the House seemed a little loth to go to its work regularly. And I was anxious to get at our business in regular order, so that we could dispatch the business.

Now, in regard to the amendment of the gentleman from Oregon, [Mr. STOUT.] If that amendment passes, no bill can pass this House without a two-thirds vote, I do not care what the bills are that are necessary to be passed. Under your present system of rules, whatever is referred to the Committee of the Whole, if it is low down on the Calendar and is not reached, cannot be taken out of the Committee of the Whole without a two-thirds vote.

Mr. REAGAN. The gentleman will recollect that the amendment applies only to bills which are not referred to the Committee of the Whole.

Mr. GROW. Whatever is referred to the committee under the present system practically requires two thirds to take it out of committee, unless the bill should be near the top of the Calendar.

Mr. NOELL. Does the gentlemen mean to say that no bills can pass this House without the previous question being sprung upon them?

Mr. GROW. I did not say that if the amendment of the gentleman from Oregon shall be adopted, no bill can pass without it has a two-thirds vote, but practically that will be the effect, because you require two thirds to pass a bill, should you desire to pass it without sending it to the Committee of the Whole. If you send it to a committee, and desire to get it out again, it must have, in most cases, a two-thirds vote, because you cannot well reach it if it should be low down on the Calendar without two thirds are in favor of it. Thus you virtually put the power of the House, in reference to the passage of all bills, into the hands of a third of the House.

Mr. NOELL. I dosire to ask the gentleman from Pennsylvania a question for information. Is it not the regular order for a bill reported from a standing committee or a select committee to go to the Committee of the Whole?

Mr. GROW. No more than it is to put a bill upon its passage. The rules provide for both. The one is as much in order as the other. The rule only provides that if there is a motion to commit to the Committee of the Whole, or to the Committee of the Whole on the state of the Union, that motion must be first put. If it falls, the bill is to be put upon its passage. So both are equal orders. The proposition of the gentleman from Oregon would have the effect in practice—I do not say it would have that effect upon every bill upon the Calendar, because there might be a few bills upon the Calendar of the Committee of the Whole on the state of the Union which you might reach; but I say it would have the practical effect—of preventing any bill upon the Calendar passing without a two-thirds vote, because when a bill is reported the amendment provides expressly that it shall require a two-thirds vote, unless it is sent to the Committee of the Whole; and if sent to the Committee of the Whole, it will never be reached, for it practically requires two thirds to take it up. So you put the power of defeating a bill in the hands of one third of the House.

When a special order is made in committee, you must confine debate to the special order—and a majority may make an appropriation bill a special order—and that will meet the objection of the gentlemen from Missouri and Oregon, who want the discussion confined to the subject under consideration. We have a class of legislation, I grant—and that is the expenditures for the support of the Government—upon which we ought to have discussion. Now, do gentlemen propose to fix this matter in such a way that no general debate in this House can be had, either on the President's message, or the recommendations of the different Departments of the Government? The way gentlemen seem to want this matter fixed would close the mouths of the Representatives of the people upon almost everything of national importance, such as Presidents' messages, reports of Departments, or any other communications to Congress not requiring legislative action. If you do not leave some time for general discussion of measures such as those which are contained in the messages and documents to which I have referred, you place a gag upon the Representatives of the people, and close their lips upon everything, except matters relating to the expenditures of money by the Government. I am not in favor of that. I am in favor of confining debate upon expenditures strictly to the subject under consideration, and then you have all the advantage gentlemen want.

Heretofore it has required two thirds to make a special order. Now it will require only a majority to make an appropriation bill a special order, and you leave other subjects open to general debate—the foreign policy of the Government, for instance. I ask, how could you otherwise have legitimate debate upon questions before Congress as to the intercourse of this Government with Russia and other foreign powers? You cannot bring in a bill to say that the intercourse between this country and Russia shall be in a particular way. That is not within the scope of legislation. How are you to discuss the great questions of your relations with the world, or your relations to each other at home as independent States, or the relations of the General Government to our common Territories? In reference to the latter, it is true, you may have an appropriation bill for building a penitentiary in one of your Territories; but could you then discuss the relations which exist between the people of a Territory and the General Government upon a bill making appropriation to build a jail? But that would be the only place where you could discuss it, if this theory of legislation is carried out. The same would be true in reference to many other important questions; because, unless you should have some bill relating to the particular subject, there would be no time or place when and where you could discuss those matters.

I have been led into this discussion by discussing the amendment of the gentleman from Oregon, and I will close by restating the two points I desired to make. One was, that by confining the House to the regular order prescribed by the rules, there is a time for every class of business, and that it is under the control of a majority; that if you depart from the regular order, I grant that the evils which have been pointed out by the gentleman from Ohio will result and do result. It is by asking unanimous consent, or attempting to get up some particular business out of its order, that all this confusion occurs. A member desires to accomplish a particular object out of its regular order, when, if he had insisted on business being considered in regular order, he and others would have had an opportunity to introduce their propositions under the rules. The other object was, to call the attention of the committee to the fact that the amendment of the gentleman from Oregon will, in effect, prevent the passage of any bill unless there are two-thirds in favor or it.

Mr. PENDLETON. Mr. Chairman——

A MEMBER. You have occupied the floor once.

Mr. PENDLETON. Here is a practical illustration of the difficulty of which I complain; it is, that we are not willing to attend to any of these matters which directly affect the House or the country. When I first rose to make two or three remarks, I heard a member upon one side remark "we shall never get through with this change of rules," although we have occupied only three or four hours upon it; and now when I rise again, I hear another gentlemen remark, "you have occupied the floor once." I do not know that there is any rule of the House which prevents me from occupying the floor twice; but if there is, the Chair need only remind me of the fact, and I will take my seat. These gentlemen are both impatient; they want to get into the debating society again. They cannot bear the tediousness of a practical que tion.

It is, however, unfortunate that I alluded to my own difficulties under the rules of the House, because the gentleman from Pennsylvania seemed to think I was captiously complaining of his interposition and of the application of the rules to myself.

Mr. GROW. I had no such feeling. I took occasion to say what I

did in justice to myself, because many seemed to think there had been captiousness upon my part.

Mr. PENDLETON. I had no reason to suppose so, nor did I mention it with a disposition to find fault with the gentleman, or to complain particularly of the application of the rules of the House to myself. I am well aware that there is a great deal of good sense in these rules; and I have seen them carried out in other legislatlve bodies, where they operated very well. When I had the honor of being a member of the Senate of the State of Ohio, rules very similar to these were in operation. The body was small, and the subjects which came before us were comparatively few. Day after day the regular order of business was carried out, and it happened there that in the course of a day or two every gentleman had an opportunity to introduce his measures and have a vote upon them. I think, however, that when a body becomes larger, and when the subjects of legislation are of a different kind, different rules should be adopted.

The gentleman from Pennsylvania seems to be under great apprehension that members will be precluded from debating subjects of general interest. I ask him if he is not afraid that members will be precluded from debating questions of special and specific interest in relation to the matters in hand? He says that he is afraid that members will be precluded from discussing the relations of the people to each other here, and their relations with foreign nations. When those matters are in any wise connected with legislation, they can be discussed; at all other times their discussion should be subordinate to the other business of the House. I would like to know if he is not afraid that members will be precluded from from giving their views upon those subjects if a majority of the House can cut off debate by the previous question? I agree that general debate ought not to be cut off; that all matters of general interest should have a fair hearing in the House; but I object to a system of rules by which it is the regular order of this day, of to-morrow, and of every day, and at all hours of the day except the first hour, to discuss matters of general interest, or of merely political significance, while all other subjects can only come up by sufferance of the House, excepting once or twice during the session.

Mr. STOUT. I wish to detain the committee but a moment, to answer some remarks which have been made by the gentleman from Pennsylvania. Perhaps modesty would have dictated that I should not have offered the amendment, or attempted to participate at all in the amendment of these rules, with which I am not very familiar; but I nave seen the difficulties growing out of the conduct of business in this House, which have struck me somewhat in the same manner as they have struck the gentlemen from Ohio, [Mr. PENDLETON,] and I desire, if possible to obviate one of the great and serious difficulties which I think attends us in our legislation.

I did not suppose that the amendment which I proposed could have the effect which is suggested by the gentleman from Pennsylvania, nor do I believe so now. But admit, for the purpose of argument, that it would have the effect of requiring a two-thirds vote to take a bill up out of its regular order for the purpose of passing it: I apprehend that it would not be wrong or unjust to do it in most cases. And the effect of such a rule would be to compel us to go to work regularly; to go into the Committee of the Whole, and, when we get there, not make long and buncombe speeches, but go to work, and dispose of the business on the Calendar, in order that we may get to that which most interests us.

As matters now stand, the members generally have, perhaps, only one little bill each for the relief of some of their constituents, in which they are specially interested. They bring those bills before the House, and persuade the House to pass them without referring them to the Committee of the Whole, and then they have no further interest in the business on the Calendar; and those of us who have important measures which we wish to have taken up and disposed of, are unable to bring about any legislation for ourselves and our constituents, simply because many other members get their bills through without their being referred to the Committee of the Whole.

Now, if all bills were required to go the Committee of the Whole and take the regular order, unless by a two-thirds vote, we should do much more business, and do it more understandingly, and with more efficiency than we do now. We should then all be put upon an equal footing; and it would take two-thirds at least to give one member a preference over another.

I have no desire to obstruct legislation, or to interfere with the due action of the majority; and I have not the same confidence in my own judgment in relation to these matters that I have in that of many others here of greater experience than myself: but it does strike me that this amendment would work well, and would tend to aid in the progress of legislation.

The amendment to the amendment was disagreed to.

Mr. MILLSON. I offer the following amendment to the amendment of the committee, to come in between the last sentence and the preceding one:

Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed as though no motion for the previous question had been made. The House may also, at any time, on motion, seconded by a majority of the members present, close all debate upon a pending amendment or an amendment thereto, and cause the question to be put thereon, and this shall not preclude any further amendment or debate upon the bill.

The object of this amendment is to establish in the House the same practice that the Committee of the Whole yesterday, on the report of the committee on the rules, established for the Committee of the Whole.

Mr. GROW. I will say that so far as the gentleman from Maine [Mr. WASHBURN] and myself are concerned, we are perfectly agreed to that. It makes the rule uniform in the House and in the Committee of the Whole.

Mr. MILLSON. I was about to say that I understand the committee on rules approve and adopt the amendment. It is intended to remove a difficulty which is very often felt by the House. When a bill is under consideration or discussion in the House—it may be a bill of some ten or twelve sections—an amendment may be offered to the first section, and an amendment to that, and we can go no further. A debate may spring up lasting several days. You cannot get rid of that debate except by calling the previous question. That precludes all further amendment, and the House may not wish to do that. This amendment will give the House an opportunity of closing debate upon the pending amendment only, and then going on to receive and consider other amendments to other parts of the bill.

I will say, sir, in closing the brief remarks I am now submitting to the committee, that I hardly regard these suggestions of mine as implying any inadvertence or omission on the part of the committee. I believe they intended to embrace these very objects. I have examined carefully the amendments reported by the commitee, and I may say that nearly all of them—perhaps all of them—meet my entire approbation. I think that this committee have performed the duty intrusted to them with very great judgment. I believe that nearly every change, if not every change, they propose, is desirable, and will be found to be advantageous; and I do not regard these suggestions of mine so much as amendments to their propositions as the carrying out of their own ideas as expressed in their report, but not carried out to the extent which my amendment provides.

Mr. WASHBURN, of Maine. I will state that I think I have consulted all the members of the committee who are present, and they agree to the amendment proposed by the gentleman from Virginia, and suppose it is necessary to carry out their idea in regard to this matter.

The amendment to the amendment was agreed to.

The amendment of the committee, as amended, was then adopted.

Fifteenth amendment:

Amend rule 58, by striking out all, and inserting in lieu thereof the following:

The consideration of the unfinished business in which the House may be engaged at an adjournment, shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

The amendment was agreed to.

Sixteenth amendment:

Strike out all after the word "General," in the fourth line, to and including the word "House," in the tenth line of the following rule:

"61. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster General, [or to print an extra number of any document or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House;] and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees, and when adopted, the Clerk shall cause the same to be delivered."

The amendment was agreed to.

Seventeenth amendment:

Amend rule 67, by striking out from the beginning to and including the word "be," in the third line, and inserting in lieu thereof the words, "It shall be the duty of the Sergeant-at-Arms," and also by inserting after the word "sittings," in the same line, the words "to aid in the enforcement of order under the direction of the Speaker;" so that it will read:

It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to aid in the enforcement of order, under the direction of the Speaker; to execute the commands of the House from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

The amendment was agreed to.

Eighteenth amendment:

Strike out the 72d rule, as follows:

"The Sergeant-at-Arms shall be sworn to keep the secrets of the House." (Provided for by proposed amendment to rule 14.)

The amendment was agreed to.

Nineteenth amendment:

Strike out rule 73, as follows:

"A Doorkeeper shall be appointed for the service of the House." (Provided for by proposed amendment to rule 14.)

The amendment was agreed to.

Twentieth amendment:

Strike out rule 74, as follows:

"The Doorkeeper shall be sworn to keep the secrets of the House." (Provided for by proposed amendment to rule 14.)

The amendment was agreed to.

Twenty-first amendment:

Strike out all of rule 75, as follows:
"The Postmaster, to superintend the post office kept in the Capitol for the accommodation of the members, shall be appointed by the House;" and insert:
The Postmaster shall superintend the post office kept in the Capitol for the accommodations of the members.

The amendment was agreed to.

Twenty-second amendment:

Amend rule 76, by striking out the word "eight," in the first line, and inserting in lieu thereof the word "seven;" and also by striking out the word "session," in the second line, and inserting in lieu thereof the word "Congress;" so that it will read:
Twenty-seven standing committees shall be appointed at the commencement of each Congress, viz:
Also, by striking out, on page 178, the words "a Committee on Engraving, to consist of three members."

The amendment was agreed to.

Twenty-third amendment:

Amend by striking out the words in brackets in the following rule:
"78. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditures, and to report, from time to time, their opinion thereon; [to examine into the state of the several public Departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments and the accountability of their officers.]"

The amendment was agreed to.

Twenty-fourth amendment:

Amend by striking out the words "and also to audit the accounts of the members for their travel to and from the seat of Government," in the following rule:
"102. It shall be the duty of the Committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives; also to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of Government, and their attendance in the House."

The amendment was agreed to.

Twenty-fifth amendment:

Amend rule 105 by striking out the word "six," in the first line, and inserting 'seven" in lieu thereof. Also, by inserting at the end of the rule: "7. A committee on so much of the public accounts and expenditures as relates to the Interior Department;" so that the rule, as amended, will read as follows:
105. Seven additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duties shall continue until the first session of the ensuing Congress.

To consist of five Members each.

1. A committee on so much of the public accounts and expenditures as relates to the Department of State;
2. A committee on so much of the public accounts and expenditures as relates to the Treasury Department;
3. A committee on so much of the public accounts and expenditures as relates to the Department of War;
4. A committee on so much of the public accounts and expenditures as relates to the Department of the Navy;
5. A committee on so much of the public accounts and expenditures as relates to the Post Office; and
6. A committee on so much of the public accounts and expenditures as relates to the Public Buildings.
7. A committee on so much of the public accounts and expenditures as relates to the Interior Department.
(This amendment simply provides for the appointment of a committee in relation to a Department organized since the last revision of the rules.)

The amendment was agreed to.

Twenty-sixth amendment:

Amend rule 104, by striking out the words "there shall be appointed a standing committee of this House, to consist of three members, to be called the Committee on Engraving, to whom shall be referred, by the Clerk," and inserting in lieu thereof the words "there shall be referred, by the Clerk, to the members of the Committee on Printing on the part of the House;" so that it will read:
There shall be referred, by the Clerk, to the members of the Committee on Printing on the part of the House, all drawings, maps, charts or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way; which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract by agreement, in writing, for all such engraving, lithographing, printing, drawing, and coloring, as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts, to govern said committee in all allowances for such works; and it shall be in order for said committee to report at all times.

The amendment was agreed to.

Twenty-seventh amendment:

Strike out rule 118, as follows:
"Not more than three bills, originating in the House, shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker."

Mr. VALLANDIGHAM. Without any very strong hope that the amendment which I am about to propose will meet the approbation of the committee, I move to substitute the following for rule 118, which the committee propose to strike out, and I submit the amendment without comment:

Insert after the figure "8," the words: No bill shall contain more than one general subject, which shall be clearly expressed in its title; no amendment upon a subject not so expressed in the title, shall be in order; and no bill or joint resolution reviving or amending any act or joint resolution, shall be in order unless it contain the entire act or joint resolution proposed to be revived, or the section or sections proposed to be amended; and contain also a repeal of such section or sections."

The amendment to the amendment was not agreed to.
The amendment as reported by the committee was then agreed to.

Twenty-eighth amendment:

Amend rule 119, by adding at the end thereof the words, "whenever a bill is reported from a Committee of the Whole, with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House;" so that it will read:
A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and if carried, shall be considered equivalent to its rejection.
Whenever a bill is reported from a Committee of the Whole, with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House.

The amendment was agreed to.

Twenty-ninth amendment:

Amend rule 120, by adding at the end the words, "and should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill;" so that it will read:
After the commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted; and should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill.

The amendment was agreed to.

Thirtieth amendment:

Strike out the 124th rule, which reads as follows, provision having been made for it in the 136th rule, as amended, by the committee:
"It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union."

The amendment was agreed to.

Thirty-first amendment:

Amend rule 130, by striking out the words "all questions, whether in committee or in the House, shall be propounded in the order in which they were moved, except that;" so that it will read:
In filling up blanks the largest sum and longest time shall be put first.

Thirty-second amendment:

Amend rule 135, by adding at the end thereof "and all debate on special orders shall be confined strictly to the measure under consideration;" so that it will read:
In Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide without debate whether it shall be taken up and disposed of or laid aside: *Provided*, That general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them; and all debate on special orders shall be confined strictly to the measure under consideration.

Mr. CASE. I move to amend by adding the following:

And all debate in violation of the rules of the House, except such as shall be indulged in by the unanimous consent of its members, shall be excluded from the official reports of the debates of this body.

Mr. Chairman, I do not propose to occupy the time of the committee at any considerable length in the discussion of the amendment I have submitted. I believe that if it is adopted it will prove to be one of the best remedies we could have devised for a great deal of the disorder and confusion which prevail in this House. I am not in the habit of speaking in this House, nor in the Committee of the Whole, when I can avoid doing so. I am in the habit of listening to what is said by others, and the difficulty I have experienced during this session is, that generally I have been compelled to listen to about a dozen speeches at the same time. When we are under the operation of the previous question, or under the operation of other rules cutting off debate, gentlemen rise up here, and in defiance of the rules and calls to order, make remarks which are prohibited by the rules, but which members are anxious to get out for the purpose of explaining their position. They are not made, Mr. Chairman, for the purpose of setting members right upon this floor—and I will say that I make reference to no particular member—but, if I may use the expression, for Buncombe, and that they may be referred to by the member when he is before his constituents. If we exclude from the Globe all proceedings which are not in order, we will, I think, get rid of much of the disorder and confusion that now prevail here. During the call of the roll, or when we are acting under the previous question, and when debate is not in order, it seems to me that much of the lawlessness and disregard of the rules occur. Then members seem determined to utter something which shall go into the debates, and be read elsewhere; for it is done, I am sure, with no expectation of influencing the vote of any member in this House. I submit the amendment, and ask that the sense of the committee be taken on it.

Mr. WASHBURN, of Maine. I think that the reform contemplated by the amendment of the gentleman from Indiana is a good and needful one; but I can hardly see how it can be accomplished by an amendment to the rules.

Mr. NOELL. The country, sir, only needs this amendment of the gentleman from Indiana to complete the work begun by the previous question. Freedom of speech has already been gagged by the adoption of the previous question; and, in addition to that, it is now proposed to suppress the freedom of the press. Not only are we not permitted to make objections here, but it is now asked that power be conferred upon the Speaker of this House to determine when remarks made by a gentleman upon this floor are or are not in order, and shall or shall not be published in the record of our debates. I object to the amendment.

Mr. CASE. That power is not proposed to be vested in the Speaker any more than it is vested in him now.

Mr. MAYNARD. Mr. Chairman, I would cheerfully be willing to adopt a measure to do away with the official reports of our proceedings, and to exclude our friends the reporters from this Hall; but so long as we pretend to report the proceedings of the House, it is necessary that they should be fairly and fully reported; that all that is said and done should be put down. And I submit to the gentleman from Indiana that his proposition, if adopted, would be an exceedingly unwise one, for the reason that in many instances it would exclude many things that ought to be preserved.

The question was taken; and the amendment to the amendment was rejected.

Mr. MAYNARD. I move to insert in the rule as amended, after the word "on," these words, "appropriation bills when made;" so that it will read "all debate on appropriation bills when made special orders," &c.

Mr. Chairman, I certainly do not agree in opinion with some of the gentlemen who have addressed the committee on the subject of what is called general debate, or, as sometimes denominated, "Buncombe" speeches. This is a kind of debate, a sort of rhetoric, upon which many gentlemen look with little favor. It is complained, with a good deal of acrimony, that members write speeches and come here and read them. So far as my observation extends, the gentlemen who make the most complaint of written speeches are themselves the silver-tongued elocutionists of the House. Now, so far as I am concerned, I would prefer that when a gentleman who is not gifted, as many are not, with the graces and beauties of oratory, attempts to address the House, that he should give us his best thoughts clothed in the best language that he can command, even if he is obliged to reduce them to writing. I have never myself made a speech of the character complained of, for I have never spoken on any subject which was not directly a matter of legislation. Still, sir, I do think it is an important privilege that members of the House ought to enjoy, for in many instances it is all that a minority have within their power to do, to raise a voice of protest against the action of a majority.

The rules of this House were designed for the protection of minorities against the action of a proud, triumphant, domineering, tyrannical majority, carried away by the very lust and greed of the power they possess. As the amendment is now proposed—though I am aware that the chairman of the committee for the revisal of the rules [Mr. WASHBURN, of Maine,] differs with me in that opinion—it seems to me that it would leave the minority wholly in the power of the majority to determine what questions shall be debated; for it is known that in the House no debate is legitimate except upon the matter immediately under consideration. Our general debate occurs in Committee of the Whole; but if the amendment of the committee on the revision of the rules is adopted—that in the Committee of the Whole debate on special orders shall be limited to the subjects of the special orders—it does seem to me that it puts it clearly within the power of the majority to control the line of debate in Committee of the Whole by never going into Committee of the Whole except upon special orders. The consequence, therefore, would be, that the majority of the House would hold the key to the entire debates of the House during the whole session.

Yesterday, when the gentleman from Maine [Mr. WASHBURN] was explaining the amendments that had been proposed by the committee, I called his attention to this amendment, with the view of ascertaining whether it was the purpose of the committee, in the report they had made, to cut off what is called general debate, and prevent members from speaking upon any subject except what was, for the time being, formally and nominally under consideration. He assured us that such was not their purpose; that they did not design to do any such thing. Now, if that had been their intention, then the question would have arisen directly for the House to decide whether they were prepared so to amend the rules as to cut off the general debate. I understand that that was not the purpose of the committee. But from the discussions which we have already had, and which I do not desire to renew, it is manifestly the intention of this Committeee of the Whole not so to amend the rules as to change the present practice of the House. I therefore propose to limit the application of the amendment of the revising committee to general appropriation bills, which, as was so well suggested by the chairman of that committee, [Mr. WASHBURN, of Maine,] are sometimes exceedingly necessary to be passed, in order to enable the business of the Government to be carried on. There is no other legislation of such high necessity, and consequently none which should receive the same consideration from the House in the construction and administration of its rules.

I fully sympathize with all that has been said by the gentleman from Missouri [Mr. NOELL] yesterday and to-day, in relation to the great impropriety of urging important legislation upon the House, and pressing it upon the country, without any opportunity for investigation and debate; requiring us to decide important questions upon first impressions, without an opportunity to deliberate or amend. It is unwise to do so; and if I were in a position to give advice to our friends of the Republican party, I would suggest to them that, unless they have a great deal more confidence in the decisions of their committees than I think most committees are entitled to enjoy, I should think that it was very hazardous to put important legislation through the House with as little consideration as they gave to the homestead bill and the printing bill, pressed upon us during the present session. Having explained my reasons for offering this amendment, I will not extend my remarks any further.

Mr. WASHBURN, of Maine. I was opposed to the amendment of the gentleman from Texas, [Mr. REAGAN,] for the reason that I did not desire to suppress general debate in Committee of the Whole. I desired that there should be some place in which there might be a general debate; where the Union generally, and all matters pertaining to the Union and to the interests of the country, might be discussed. But I think the gentleman from Tennessee [Mr. MAYNARD] errs in supposing that the amendment as reported by the committee, if adopted, would tend in any degree to suppress general debate in the Committee of the Whole. Under the rules of the House, as they now stand, debate is not in order upon special orders. Formerly general debate was in order, even when the Committee of the Whole had under consideration special orders. The practice of the House in that regard was changed in 1852 or 1853, growing out of the practical mischief and inconvenience resulting from permitting general debate to be indulged in when the Committee of the Whole were considering special orders. It was, I believe, upon the consideration of the Pacific railroad bill, or some other bill perhaps, that the entire time of its session given to the consideration of that question was exhausted by general debate, without one word being said in reference to the subject made the special order. In consequence of that, and by the general and universal acquiescence of the House, the practice of the House was changed in that respect, so that now, whenever we are in Committee of the Whole upon a special order, general debate is not permitted.

And what do we propose now? Simply this: that in addition to that, whenever the appropriation bills, which are necessary to the existence of the Government—whenever these indispensable bills are being considered in the Committee of the Whole, and the majority in the House have made them the special order, the discussion shall be confined to the measure directly before the Committee; that is all: so that the only change contemplated by the committee is one that the gentleman from Tennessee [Mr. MAYNARD] himself deems to be a necessary one.

In regard to the rest, that is already a rule, and properly so; for special orders, except in regard to appropriation bills, can now only be made by a suspension of the rules, and that requires a two-thirds vote, and that two-thirds vote can only be given on Mondays.

The question was then taken upon the amendment proposed by Mr. MAYNARD; and it was not agreed to.

The question then recurred upon the amendment reported by the select committee; and being taken, it was agreed to.

The thirty-third amendment was then read, as follows:

Amend rule 136, by inserting after the word "present," in the eighth line, the words, "nor shall the Speaker entertain a motion to suspend the rules, except during the last ten days of the session, and on Monday of every week at the expiration of one hour after the Journal is read." And also by inserting after the word "present," in the ninth line, "make any of the general appropriation bills a special order; and also;" so that it will read:

No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rule, be postponed or changed, except by a vote of at least two thirds of the members present; nor shall the Speaker entertain a motion to suspend the rules, except during the last ten days of the session, and on Monday of every week at the expiration of one hour after the Journal is read. The House may, at any time, by a vote of a majority of the members present, make any of the general appropriation bills a special order; and also suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing, &c.

Mr. HOUSTON. I understand that amendment proposes to give the majority of the House the power to make a special order of the general appropriation bills. Am I to understand that amendment as applying alone to bills that are reported from the Committee of Ways and Means for the support of the Government—the civil and diplomatic, the Army, the Navy, the Indian, the pension bills, &c.?

Mr. WASHBURN, of Maine. That was the understanding of the committee, I presume.

Mr. HOUSTON. That being the understanding, I have no objection to the amendment.

The amendment was agreed to.

Thirty-fourth amendment:

Strike out rule 137 as follows:

"Except during the last ten days of the session, the Speaker shall not entertain

a motion to suspend the rules of the House at any time, except on Monday of every week; provided nothing herein contained shall be construed to alter so much of the 136th rule as provided as follows: 'The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the committee from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered.'"

The amendment was agreed to.

Thirty-fifth amendment:

Amend rule 138, by inserting after the words "enrolled bills" the words "and the Committee on Printing;" so that it will read:

It shall be in order for the Committee on Enrolled Bills and the Committee on Printing to report at any time.

Mr. HOUSTON. As I have some doubt as to the correctness of the construction which has once been given to another rule of the House, which authorizes the Committee of Ways and Means to report certain bills, and which, I believe, means to authorize them to report at any time, I would like to have this amendment so amended as to provide that the Committee of Ways and Means may report, at any time, appropriation bills, and nothing else.

Mr. WASHBURN, of Maine. I think there should be no objection to that. So far as I am concerned, I think well of the proposed amendment.

Mr. HOUSTON. I move, then, with the same construction that has already been given to "appropriation bills," to amend the amendment, so as to authorize the Committee of Ways and Means to report at any time either of the appropriation bills.

Mr. GROW. I suggest whether the amendment ought not also to include revenue bills, because I think if appropriations are made, the committee should have the power of introducing revenue bills to raise the means of meeting those appropriations.

Mr. HOUSTON. The difficulty about that is, that while there can be no objection to reporting appropriation bills, yet, when you come to enlarge the power, and include other subjects, members will object, and the result will be that you cannot get that sort of an agreement.

Mr. GROW. I think if we have the one we ought to have the other. The reports of appropriation bills and revenue bills should be permitted to be made at any time, or both should be excluded from that privilege. Therefore I shall oppose the amendment if it is not applied to both. If they can be coupled together I shall have no objection. I move the amendment.

Mr. HOUSTON. I cannot agree to the amendment of the gentleman from Pennsylvania; and if he is disposed to present objections to the amendment I have offered, I will withdraw it. I believe the Committee of Ways and Means ought to have the power to report appropriation bills at any time. Indeed, I believe they have it now under one of our rules; but it was held differently the other day, and I only wanted to make it sure. But as gentlemen desire to incumber my amendment with other things I withdraw it.

The amendment of the committee was then agreed to.

Thirty-sixth amendment:

Strike out rule 147, as follows:

"The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker, until the further order of the House."

The amendment was agreed to.

Thirty-seventh amendment:

Strike out rule 153, as follows:

"It shall be in order for the Committee on Printing to report at any time."

The amendment was agreed to.

Thirty-eighth amendment:

Strike out all of rule 154, and insert the following:

The bills from the Court of Claims shall, on being laid before the House, be read a first and second time, committed to a Committee of the Whole House; and, together with the accompanying reports, printed.

The amendment was agreed to.

Mr. WASHBURN, of Maine. I believe we are now through with all the amendments reported by the committee. I desire to offer, upon my own responsibility, two or three amendments. I will have them all read, and will then offer them separately.

The amendments were read, as follows:

Insert the following as additional rules:

The House shall meet at two o'clock, p. m., until otherwise ordered; but this rule may be suspended at any time during the last ten days of the session, by a majority of the members present, who may then fix upon a different hour of meeting for the rest of the session.

All elections of officers of the House, including the Speaker, shall be conducted in accordance with these rules, so far as the same are applicable; and pending the election of a Speaker, the Clerk shall preserve order and decorum, and shall decide all questions of order that may arise, subject to appeal to the House.

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses, unless otherwise ordered.

AMENDMENT OF THE RULES—AGAIN.

The committee resumed its session.

Mr. WASHBURN, of Maine. I now offer the first of the amendments which were read. It relates to the time of the meeting of the House. I desire to state, in a few words, the reasons for offering that amendment. We now divide the day, most ingeniously, in such a manner as to destroy it almost altogether for any valuable and useful purpose to the House. I believe we should fix the time of our daily meetings at some different hour from the present. We might meet at ten o'clock in the forenoon, or at two or three o'clock, or a later hour, in the evening. What is the practical effect of our present practice? After we have risen from a Washington breakfast, we have but a moment to spare before we are obliged to meet in our committee-rooms. Some of us get at the rooms, but other members are absent, so that we cannot take up any question in committee before half past ten o'clock. Not more than an hour and a half can be devoted by any committee on any one day, in the morning, before the House meets. The consequence is that but little business is transacted at a single session of the committee; whereas were we to meet at two o'clock our committee meetings might be of three or four hours' continuance, and we would accomplish in a single meeting of a committee as much as is now performed in several meetings.

Besides that, we should have some time, when the committees are not in session, to attend to business at the Departments; some time to read the reports of the Departments, and the public documents; some time to inform ourselves fully in relation to the matters of legislation upon which we are called to act. I ask you, what time you have now to read public documents, and inform yourselves in regard to public measures? Not in the mornings. You must go to committees, and you must now go to three committee meetings, where you would have to go to but one if this amendment should be adopted. You must attend to your correspondence, and go to the Departments on the business of your constituents. What time have you now for that? When do you catch an hour when you can inform yourselves in regard to the matters on which you are called to act? When have you time for anything, except to attend committee meetings, and come to the House, where we remain till four of five o'clock in the afternoon?

Now, sir, there can be no practical inconvenience in meeting at two o'clock. Some gentlemen are in the habit, at home, of dining at an earlier hour than we are in the habit of dining here. Those gentlemen will be accommodated, for they will be able to dine at one o'clock, or half past one, or at any time before two. And those gentlemen who are in the habit of dining at a later hour can be accommodated, because they will be able to dine at six o'clock, taking a lunch, if they choose, at one o'clock, or any other hour. So that I believe members will be accommodated on all hands; and I am certain that the public business will be benefited and expedited by this change in the rules, and I know that we shall have some time when we can attend to our correspondence, to general reading, and particularly to posting ourselves up in regard to matters of legislation before the House.

Mr. CURTIS. If we meet at two o'clock, I would like to know how gentlemen will be able to dine before that hour and at the same time attend to committees? I cannot see how we shall gain any time for reading by the change in the hour of meeting. I would rather meet at ten in the morning. I acknowledge that it is difficult to get members here at ten o'clock, but there is the same difficulty to get a meeting in a committee room at ten o'clock. Although I am not satisfied with the hour at which we now meet, I cannot perceive that we are going to gain anything by changing it to two o'clock. I should prefer, myself, to dine at about two or three o'clock, if I had my choice. Every man has his own dinner hour; but I have habituated myself to the practice now of dining at four or five o'clock, and sometimes at six, and I believe the whole House have got into the same habit, and I object now to the change, as I do not see that we should gaid anything by it.

Mr. MAYNARD. I simply desire to say that so far as I am concerned, I prefer to work and then eat, rather than to eat and then work. I shall vote against the amendment.

The amendment was disagreed to.

Mr. WASHBURN, of Maine. I now offer the following amendment:

All elections of officers of the House, including the Speaker, shall be conducted in accordance with these rules as far as the same are applicable; and pending the election of Speaker, the Clerk shall preserve order and decorum, and he shall decide all questions of order that may arise, subject to appeal to the House.

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses, unless otherwise ordered.

Mr. REAGAN. I suggest to the gentleman from Maine, that we can only bind future Congresses by an act of Congress and not by the rules.

Mr. WASHBURN, of Maine. The House makes its own rules. It has the right and power under the Constitution to do so.

Mr. NOELL. I desire to know of the gentleman from Maine what he intends to do with that provision of the Constitution which gives to "each House" the right to make its own rules of procedure; not that one House shall have a right to make rules for the next House, but that *each* House shall have a right to make its own rules? I would like to know what he intends to do with that provision of the Constitution?

Mr. GROW. This amendment does not so provide. It does not control the action of any succeeding House in making its rules. They can make them when they please; but until they do make rules, these

will stand just as Jefferson's Manual is now regarded, as the authority until rules are adopted which interfere with it. The amendment only provides that these shall continue in force until the next House chooses to change them.

Mr. NOELL. The gentlemen does not answer my question. My question is, what this House has got to do with making rules for the next House?

Mr. GROW. That is just what I am trying to answer.

Mr. NOELL. How can you make rules that will apply to the action of the House not now in existence?

Mr. GROW. We do not make rules for the next House. We only provide that these rules shall continue in force until the next House chooses to change them; and, if they choose to sit during the whole session without altering them, then they adopt them as their rules by their own action. The House of Representatives continues under the Constitution, without interregnum, just as much as the Senate. This idea that there is a period of time when there is no Congress, under our Constitution, goes on the supposition that there is a period of time when there is no Government. There is a Congress in existence, under the Constitution, all the time; and when the House meets here, the Constitution says they shall select their Speaker. If you have not a House, how are you going te elect a Speaker? They are just as much a House of Representatives, under the Constitution, the day they meet, as they are after they have elected a Speaker; they are not organized under the forms they choose to adopt; that is all. Up to the time when they choose to adopt rules, by their acquiescence in these they will make them their own rules, so that they will not be left at any time without rules.

Mr. WASHBURN, of Maine, called for tellers on the amendment.

The committee divided; and the tellers reported—ayes seventy-eight; a further count not being demanded.

So the amendment was agreed to.

Mr. BURNETT. Do I understand that the amendment offered by the gentleman from Maine has been adopted?

The CHAIRMAN. It has.

Mr. BURNETT. Will it be in order to move to reconsider the vote by which it was adopted?

Mr. WASHBURN, of Maine. A motion to reconsider is not in order in the committee; but the gentleman can have the yeas and nays upon the amendment in the House.

Mr. BURNETT. Well, sir, I think, if the gentlemen from Maine wants to pass these rules in the House, he had better withdraw that amendment.

Mr. BOCOCK. I have one or two amendments which I wish to propose; they relate to mere matters of form, and I presume there will be no objection to them. The first amendment I shall propose is to the 69th rule, which I ask the Clerk to read.

The Clerk read, as follows:

"The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for traveling expenses for himself or a special messenger, going and returning, one tenth of a dollar per mile."

Mr. BOCOCK. I move to amend by adding to the end of that rule as follows:

For each mile necessarily and actually traveled by such officer or other person in the execution of such precept or summons.

There is a law which provides what shall be the fees of the Sergeant-at-Arms; and this is merely to make the rules of the House conform to that law, and for the purpose of having it before us, so that we may always understand how they are to be computed.

The amendment was agreed to.

Mr. BOCOCK. I have another amendment which I propose to offer to the 79th rule, which I now ask the Clerk to read.

The Clerk read the rule, as follows:

"It shall also be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress commencing on the first Monday of December, to report the general appropriation bills—for the civil and diplomatic expenses of Government; for the Army; for the Navy; and for the Indian department and Indian annuities—or, in failure thereof, the reasons of such failure."

Mr. BOCOCK. I move to amend that rule by striking out all after "appropriation bills," in the fourth line, to and including the word "annuities," in the seventh line, and inserting in lieu thereof:

For legislative, executive, and judicial expenses; for sundry civil expenses; for consular and diplomatic expenses; for the Army; for the Navy; for the expenses of the Indian department; for the payment of invalid and other pensions; for the support of the Military Academy; for fortifications; for the service of the Post-Office department, and for mail transportation by ocean steamers.

The object of the amendment is merely to adapt our rules to the designations which have been given to the regular appropriation bills, and which have been changed since that rule was adopted. Within the last two Congresses, gentlemen who have been here will remember that we have divided one of the appropriation bills, known as the civil and diplomatic bill, into three several bills, calling them by different names; and the object of this amendment is merely to designate the bills by the titles which are now given them. It makes no other change.

Mr. SHERMAN. I would suggest to the gentlemen from Virginia whether it would not be well to add to his amendment a provision giving the Committee of Ways and Means the right to report these general appropriation bills and revenue bills at any time?

Mr. BOCOCK. I refer to appropriation bills; and I am willing to modify my amendment so as to give the Committee of Ways and Means leave to report at any time. My amendment refers only to appropriation bills; and if the gentleman wishes, I will add at the end of it, "and the Committee of Ways and Means shall have the right to report these bills at any time."

Mr. SHERMAN. "These bills and revenue bills."

Mr. BOCOCK. That would give rise to debate here certainly, before the committee would consent to adopt it; and I do not care to incumber my amendment with it. Unless the gentleman wishes me to modify it, as I have suggested, I will allow my amendment to stand as I originally offered it.

Mr. SHERMAN. It is a matter of no importance to me, that you should give the Committee of Ways and Means the right to report appropriation bills at any time, unless you include also revenue bills; because it is useless to report bills making appropriations of money unless we are allowed also to report bills to provide for raising that money. Unless the amendment is put in that shape, I see no use in its adoption.

Mr. BOCOCK. The gentleman wishes that the Committee of Ways and Means shall have the right to report at any time a tariff bill.

Mr. SHERMAN. For reference only.

Mr. NOELL. Do I understand the gentleman to mean that an appropriation bill is to be at the same time connected with a tariff bill as a matter of necessity?

Mr. SHERMAN. An appropriation is not necessarily a tariff bill, certainly.

Mr. NOELL. Do you mean that revenue bills necessarily include appropriation bills?

Mr. SHERMAN. Revenue bills are necessary if appropriation bills are to be passed. I move to amend the amendment of the gentleman from Virginia by inserting "and revenue bills."

Mr. BOCOCK. I appeal to the gentleman from Ohio to withdraw that motion. I say to the gentleman that the Committee of Ways and Means will have very little difficulty in reporting any tariff bill that they shall agree upon. It is very easy to bring such a bill before the House, and to give a bill of that description this peculiar privilege will do no good. It will certainly create discussion, and perhaps preclude the adoption of this amendment altogether.

Mr. GROW. I desire to know whether I understand the amendment of the gentleman from Virginia. Is it simply to specify in the 79th rule such appropriation bills as have been created since that rule was originally adopted.

Mr. BOCOCK. That is all. It is simply to define the appropriation bills as they are defined in the practice of the House.

Mr. GROW. I see no objection to that.

Mr. SHERMAN. I will not press my amendment upon that of the gentleman from Virginia at this time, if he wishes me to withdraw it.

Mr. BOCOCK's amendment was agreed to.

Mr. SHERMAN. Now, Mr. Chairman, I will offer, in connection with the amendment which has just been adopted, the following addition:

That the Committee of Ways and Means have leave to report general appropriation bills and revenue bills, for reference merely, at any time.

Mr. HOUSTON. I understand this amendment is to include a tariff bill with the appropriation bills.

Mr. SHERMAN. It simply authorizes the Committee of Ways and Means to report them for reference.

Mr. HOUSTON. I believe the first branch of this amendment ought to be adopted; but the latter branch of it is certainly wrong, and ought not to be adopted. It is not one session in ten that anything like a modification, or change in the rates of duties to be levied on imports is proposed. It is very seldom that you will want to exercise the power; and without this privilege, whenever you want to report a tariff bill, there will be no difficulty in getting any bill that the Committee of Ways and Means shall have agreed on before the House; especially under the regulations contained in one of the changes which we have made to-day, by which all business unacted upon at the close of one session resumes its place at the beginning of the next session of the same Congress, as if no recess had taken place. Under that rule, if a bill is introduced at any time during the first session of a Congress, it may be reached and acted upon in its order at any time before the close of the last session.

But, Mr. Chairman, I do not know to what this amendment is to be attached. I understood the Chair to decide yesterday that the rules of the House were not before the committee. If that be true, the rule to which this has reference is not before us, and, as a matter of course, this amendment cannot be in order. If the Chairman decides in this regard as he did yesterday, then I make the point of order that this amendment cannot be received, because there is nothing under consideration to which it can attach.

Mr. GROW. The amendment of the gentleman from Virginia, [Mr. BOCOCK,] just adopted, is the matter to which, I suppose, this amendment attaches.

Mr. HOUSTON. The amendment has been adopted, and is not before the committee.

The CHAIRMAN. The Chair understands the amendment of the gentleman from Ohio to be offered as an additional rule.

Mr. HOUSTON. I do not understand that it can be offered as such under the ruling of the Chair.

The CHAIRMAN. The Chair supposes the report of the special committee to be the matter before us, and that it is competent for this committee to make additions to that report.

Mr. HOUSTON. Then that brings all the rules of the House practically before the committee. Now, sir, I do not understand that there is an absolute necessity even for the first branch of this amendment. The 79th rule, I believe it is, makes it the duty of the Committee of Ways and Means to report the general appropriation bills; and, as I understand it, gives the committee the right to report them at any time. But under the decision of the Chair yesterday, the rules of the House are not before this committee; and I submit that this amendment—which, if adopted at all, should be attached to the 79th rule—cannot be properly received. It is the same, in fact, if received, as an additional rule; as if the 79th rule were before us, and it was offered as an amendment to that.

Mr. OLIN. I think the gentleman from Alabama is mistaken in reference to the ruling of the Chair. I remember that I attempted to offer an amendment to the 24th rule, which had not been referred to in the report of the committee. I was told then that these amendments were before the committee; and the gentleman upon my left raised the point of order that it was not then in order for me to propose my amendment, but that it would be when the amendments of the committee on the revision of the rules had been gone through with.

Mr. HOUSTON. The gentleman is wholly mistaken, for the point of order was made upon me.

Mr. OLIN. I am not mistaken.

Mr. HOUSTON. The point of order was made upon me. It may also have been made upon the gentleman. The Chair will remember that I presented the direct and positive point for the decision of the Chair. I put the question whether the rules of the House were not before this committee so that we could propose amendments to them. The Chair decided that the rules were not before the committee, and that it was not within my power to propose an amendment to any rule which the report of the committee did not bring before this Committee of the Whole.

Mr. SHERMAN. I do not want to discuss this question, and, in order to save the time of the committee, I withdraw my amendment and move to add to the amendment of the gentleman from Virginia, [Mr. BOCOCK,] these words: "and bills for raising revenue, for reference." That will make the amendment include all we design to provide for.

The CHAIRMAN. The Chair will state how he understands this question of order. The gentleman from Alabama [Mr. HOUSTON] yesterday made the point that an amendment to an amendment to an amendment of the committee on the revision of the rules was an amendment in the third degree, and therefore not in order. He considered that the rules of the House were the text. The Chair held that the report of the committee was in the same manner to be considered as amendments of the Senate to a House bill; that it was the text, and that it was in order to move to that report amendments in the second degree.

This select committee was raised for the purpose of examining, revising, and reporting amendments to the rules of the House. They have reported thirty-eight amendments. As those amendments were being passed upon, the question was made as to whether it was in order to interpose an amendment to one of the rules which the committee had not proposed to amend. The Chair decided that it was not in order to act upon other amendments to the rules until the amendments of the committee were disposed of; and that then, when the amendments reported by the committee were acted upon, it would be in order to move additional amendments to the rules. Therefore the Chair now holds that the amendment of the gentleman from Ohio is in order, as an addition to the amendments of the rules reported by the committee.

Mr. BOCOCK. Mr. Chairman, I regret very much that the gentleman from Ohio [Mr. SHERMAN] has thought it incumbent upon him to submit this amendment. The committee on the revision of the rules, as the Chair has just stated, came forward with thirty-six or thirty-seven amendments to the rules. Those amendments, taking everything into consideration, have been received here with a remarkable degree of favor. My honorable colleague from the Norfolk district, [Mr. MILLSON,] who had his attention directed to this subject during the last Congress, and who was a member of the special committee on the rules of the last Congress, did us the credit to say that he had examined our amendments thoroughly, and was of the belief that every single one of them would work advantageous reform in the rules as they now stand. We had progressed in our action entirely through them. They would have gone through the House; and I think that they would have been received by the country—at least by those who attend to such subjects—with a great deal of favor. I am sure that they would have facilitated the business of the House. The state of mind in which the action of this committee upon the amendments had left the members of the House was a pleasant and agreeable one. But the gentleman from Ohio now comes forward with a proposition that he must know is one which will excite a great deal of opposition; one which will be received with a great deal of disfavor, because it is a proposition to give precedence to party legislation.

I tell gentlemen upon the other side that if they want some change of the tariff, they will have opportunity to bring forward any bill for that purpose upon which the Committee of Ways and Means may agree. There will be no difficulty, I think, in that particular. Sooner or later the committee will get an opportunity to bring it into the House.

Gentlemen ask me why, then, not allow this amendment to pass? What, I am asked, is the difference between a revenue measure and an appropriation bill? I will tell gentlemen. There is a difference between them as clear as sunlight and as broad as truth from error. Why let the Committee of Ways and Means report the appropriation bills at any time? Every appropriation bill lasts for only a certain fixed time. The gentleman from Ohio [Mr. SHERMAN] reports a bill for the fiscal year ending 30th of June, 1861. Unless there is additional legislation at the time named that appropriation bill will exhaust itself, and the executive officers will then be without money to carry on the operations of the Government. It is necessary, therefore, at stated periods, to bring in appropriation bills for the purpose of executing the laws and carrying on the functions of the Government. It is necessary that they should be brought forward early in the session and put through in time.

How is it with a revenue bill? A revenue bill when passed into law stands upon the statute-book until it is repealed. It does not expire, like an appropriation bill, upon the 30th of June; therefore it is that I state that appropriation bills and revenue bills do not occupy the same position. One of them is as much independent legislation as anything that can be brought before this House. And, sir, there is no good reason for allowing the Committee of Ways and Means to give precedence to a tariff bill which would not equally apply in favor of allowing the Committee on Commerce to report a river and harbor bill, or of allowing the Committee on Public Lands to report a homestead bill. I say that the amendment is wrong and ought not to be adopted; for we certainly, in the state of affairs now existing, ought not to have a rule permanently established which is meant to give precedence to a party measure at this time. I say that there is no need for it. A revenue bill stands upon a totally different ground from appropriation bills. Revenue bills remain upon the statute-book until repealed, whereas appropriation bills exhaust themselves at the end of the fiscal year for which they are passed. I trust that the amendment will be rejected.

Mr. CAMPBELL took the floor.

Mr. HOUSTON. I ask the gentleman to yield to me.

Mr. CAMPBELL. Not at this time.

Mr. HOUSTON. I rise to a point of order. I want to know the precise condition of this amendment, and what is the Chair's decision.

The CHAIRMAN. The Chair has decided that the amendment is in order as an addition to the report of the committee.

Mr. HOUSTON. That it is in order as an amendment to the report of the committee which has been adopted, and which it is now within the power of this committee to alter?

The CHAIRMAN. The report of the committee on the revision of the rules was acted upon, one amendment after the other, and the Chair thinks that it is in order now to move additional amendments to that report.

Mr. HOUSTON. That is the point I make. I differ with the Chair in respect to what occurred between him and myself yesterday. I have been looking for the decision of the Chair, but have been unable to find it.

Mr. CAMPBELL. I have the floor.

Mr. HOUSTON. I rise to a point of order.

Mr. CAMPBELL. It has been decided, and is not now before the committee.

The CHAIRMAN. The gentleman has a right to take an appeal.

Mr. HOUSTON. I understood, yesterday, that the Chair decided that the rules were not before the committee. I make the point that, the report of the committee on the revision of the rules having been agreed to, there is nothing left for this committee to add to. The report has been agreed to; it has been acted on, and not a line and not a word of it can be touched by us. We cannot in this committee change a sentence of it; we cannot take from it or add to it, for it has passed from us and is out of our jurisdiction, having been agreed to by the Committee of the Whole on the state of the Union.

Now, sir, I make the point of order that, that being true, such an amendment is not in order now; and more especially is it not in order unless it come in the shape of a distinct and independent section, as it were, of a bill. And even that, by some of the best presiding officers of this House, has been overruled. And in this case, where you are acting upon a set of rules, upon a matter which your special committee have presented to you for your action, your authority over it ceases whenever you have acted upon the last part of the subject-matter in the report.

The CHAIRMAN. The report of the committee is not yet disposed of. There is yet a resolution in the report of the committee to be acted upon, and therefore the report of the committee has not passed from our consideration.

Mr. HOUSTON. Is there a part of the report yet to be acted upon?

The CHAIRMAN. There is. The resolution still remains unacted upon; the report of the committee is not yet disposed of; and the Chair will state further that, acting upon the construction now placed upon it, he advised gentlemen yesterday that their amendments would be in order when we had gone through with the amendments reported by the committee; and he will adhere to that decision until overruled.

Mr. HOUSTON. If this amendment is germane to the remaining portion of the report yet to be acted upon, then it is clearly in order; if not, then it stands as I have stated.

The CHAIRMAN. The Chair holds that everything is germane that relates to the rules of the House. But the amendment of the gentleman from Ohio [Mr. SHERMAN] cannot be attached to the amendment of the gentleman from Virginia, [Mr. BOCOCK,] because the amendment of the gentleman from Virginia has been adopted.

Mr. SHERMAN called for the reading of the amendment offered by Mr. BOCOCK, which had been adopted; and it was accordingly read, as follows:

Strike out of rule 79 the words "for the civil and diplomatic expenses of the Government; for the Army; for the Navy; and for the Indian department and Indian annuities," and insert in lieu thereof:

For legislative, executive, and judicial expenses; for sundry civil expenses; for consular and diplomatic expenses; for the Army; for the Navy; for the expenses of the Indian department; for the payment of invalid and other pensions; for the support of the Military Academy; for fortifications; for the service of the Post Office Department; and for mail transportation by ocean steamers.

Mr. GROW. Will the Clerk read the rule as it will stand if amended in the way proposed?

The rule was then read, as follows:

It shall also be the duty of the Committee of Ways and Means, within thirty days after their appointment, at any session of Congress commencing on the first Monday of December, to report the general appropriation bills—for legislative, executive, and judicial expenses; for sundry civil expenses; for consular and diplomatic expenses; for the Army; for the Navy; for the expenses of the Indian department; for the payment of invalid and other pensions; for the support of the Military Academy; for fortifications; for the service of the Post Office Department; and for mail transportation by ocean steamers—or, in failure thereof, the reasons of such failure.

Mr. CAMPBELL. What is the amendment of the gentleman from Ohio, [Mr. SHERMAN?]

The amendment was reported, as follows:

Add to the amendment already adopted:

And that said committee shall have leave to report said bills and bills for raising revenue, for reference only, at any time.

Mr. SHERMAN. I understand that the gentleman from Virginia [Mr. BOCOCK] does not object to the first clause of that amendment.

Mr. BOCOCK. I do not object to anything in the amendment, except the words "and bills for raising revenue."

Mr. SHERMAN. I am willing that those words should be stricken out, and that the question be taken upon the amendment so modified.

The question was then taken upon the amendment of Mr. SHERMAN, as modified; and it was agreed to.

Mr. OLIN. I propose to offer an amendment to the 24th rule of the House; and, in order that it may be fully understood, I will read that rule as it now stands, and then read the amendment I propose to offer to it. The rule now reads:

Members having petitions and memorials to present may hand them to the Clerk, indorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the Journal, subject to the control and direction of the Speaker; and if any petition or memorial be so handed in, which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received.

I propose to amend, by adding the following:

Provided, No memorial, petition, or claim, that has once been presented to either House, referred to a committee, and reported upon adversely, shall be again presented in the House, by filing with the Clerk; but may be presented in the House accompanied by a statement indorsed thereon, of the reason why a further investigation is desired.

The question was upon the amendment offered by Mr. OLIN to the 24th rule of the House.

Mr. OLIN. The object of that amendment is this: a great labor is imposed upon the committees of this House, who are obliged to investigate claims that are constantly thrust before them; and in being obliged to reinvestigate over and again the same claim, when there is no pretense of furnishing any additional proof whatever. Nay, so far has this practice gone under that rule that during the same session of Congress, after a claim has been presented and referred to one committee, acted upon by that committee, and reported upon adversely, the same claimant will slip around through your Departments here, get the papers again, and, under that rule, refer them to a different committee, who will also examine them, and report adversely upon the claim. And if you will examine your printed volume of the indexing of these claims, you will see that a great variety of these claims have been reported upon over and over again adversely by various committees.

Now the rule, standing as it does now, but with the addition I propose, will leave every claim originally presented to the House to be referred to the committees under the rule. But when a claim has been once referred, and has been reported upon adversely, my amendment proposes to require that the claimant shall bring it before the House with the reasons indorsed upon it why a reconsideration of the claim is demanded. I think the adoption of this amendment would save our committees a vast amount of labor; I know that some gentlemen have said to me, that when these claims are repeatedly referred, all they do is to ascertain whether they have been once before examined and reported upon adversely, and then they lay them aside. But I hardly think that such a course is consistent with the proper discharge of the duties devolved upon the committees. When a claim is referred for examination a second time, that second examination is just as laborious and difficult as the first examination was, although the committee arrive at the same conclusion. I hope, therefore, this amendment will be adopted.

Mr. BURNETT. I do not think there is any necessity for that amendment of the rules, for the reason that memorials and petitions are very frequently referred to committees, who report upon them adversely, and that, too, when they ought not to be so reported. No injury can result either to the business of the House, or to the parties interested in those papers, by not adopting the amendment which the gentleman proposes. The more investigation, it strikes me, we may have in reference to any matter, the more likely we shall be to arrive at just and correct conclusions. I know it is repeatedly the case, that the action of a former committee has been reversed by the action of the House, and that, too, in a number of instances, where it was right to do so. It seems to me that the adoption of the amendment of the gentleman from New York will tend to embarrass the business of the House, instead of doing any good in any way.

Mr. JOHN COCHRANE. With all due respect to my colleague, it seems to me that this amendment would be a very unwise one to adopt. If the gentleman would consent to accept an alteration of the phraseology of the amendment, to the effect that a memorial or petition should not be presented a second time during the same Congress, I could vote for it. But, sir, if we take the position that the decision of a general or special committee of this House, adverse to the memorial, shall be conclusive for all future time, we are assuming the position of a court of law, and the House may at all times interpose the plea of *res adjudicata* to any case which may be presented a second time.

Mr. OLIN. The gentleman evidently does not understand the force of the amendment I have proposed. It does not preclude the petitioner from having his claim re-examined. It only compels him to show upon the face of the papers that his claim has been once examined and reported upon adversely, and to state briefly why he insists upon a re-examination. It does not interfere with the rights of the petitioner; it only apprises the House that the claim has been once adjudicated, and why the petitioner insists upon a readjudication. It does not deprive the petitioner of any substantial right whatever. While I am upon the floor, permit me to suggest a modification of my amendment, so that it may not be susceptible of a misinterpretation. It is to insert, after the words "that the claim has been reported upon adversely," the words "and the report adopted by the House."

Mr. JOHN COCHRANE. As my colleague explains his amendment, I see, in fact, no great objection to it, except that it is a work of supererogation. It may, perhaps, tend to facilitate the business of the committee to which petitions are referred. Whether a memorial or petition has been before the House or committee previously, whether action has been had upon it, is always shown upon the Journals of the House. At no time has there been any difficulty in ascertaining the antecedents of a memorial or petition. I do not know that it is very important, though it may be of some advantage to the committee to whom the memorial or petition is referred, to know, by indorsement, what has been the previous history of the memorial or petition, and for what reason it is again referred to the committee. If, therefore, that be the extent of the amendment, and no more, I do not see that it is very objectionable, nor do I see any good reason for its adoption.

Mr. GROW. I do not see any advantage to result from this amendment, except that it may relieve the committee from a little labor.

The amendment was not agreed to.

Mr. WHITELEY. I desire to offer an amendment to the twenty-sixth amendment proposed by the committee.

The CHAIRMAN. The Chair thinks it is not in order now to amend any amendment reported by the committee.

Mr. WHITELEY. Then I will offer it as an independent amendment. I had my amendment drawn up as an amendment to the amendment; but I will have its phraseology altered. It will be necessary to state the connection in which it comes in before I offer it. The committee proposed to abolish the Committee on Engraving, and to devolve the duties upon the Committee on Printing. My amendment proposes that all engraving, lithographing, printing, drawing, and coloring, shall be given out by the Committee on Printing, upon proposals published in two of the newspapers in Washington; and then, that the committee shall contract for such work with the lowest bidder.

Mr. REAGAN. I suggest to the gentleman that the amendment which he proposes is but a rule, and not a law.

Mr. WHITELEY. I assume that the House of Representatives can regulate the giving out of their own work by contract as well as by agreement. Why can they not?

The CHAIRMAN. The Chair would remind the gentleman that no debate is in order until the amendment has been presented.

Mr. WHITELEY. My amendment reads as follows:

All contracts shall be made by the Committee on Printing with the lowest bidder, for the engraving, lithographing, printing, drawing, and coloring, upon proposals issued by the committee, inviting bids thereof, published in two of the newspapers printed in the city of Washington.

Mr. Chairman, there have been various rumors in reference to the bestowment of these contracts or agreements by the committees of this House for years.

Mr. GROW. I rise to a point of order. There is a law controlling the joint Committee on Printing. They are bound by that law, and the rules of the House cannot change it. This amendment is not germane to the rules or to any amendment which the committee on rules has reported.

Mr. WHITELEY. I would like to ask the gentleman from Pennsylvania if there is any law of the United States, or provision of law, which prohibits this House from giving its own work by contract, or letting the Committee on Printing and the Committee on Engraving do it by private agreements between themselves and other persons?

Mr. GROW. My point of order is, that a rule of the House cannot supersede a law of Congress, and that the committee will be bound to observe the law and not the rule, if you pass it.

The CHAIRMAN. It would be very difficult for the Chair to say whether the amendment is in conflict with the law, unless he had the law before him. Besides that, it may be a question whether it is in conflict with the law or not; and it is for the committee to determine that question, not for the Chair to decide it as a question of order.

Mr. WHITELEY. In reference to the binding, a clause in an appropriation bill says that the Committee on Printing shall do so and so; but I defy the gentleman from Pennsylvania to point to any law which in any manner prohibits the House of Representatives from saying that its lithography and engraving shall be done by contract, after asking for bids, rather than in the way it is now done—by an agreement between the committee and the parties proposing to do the work.

But, sir, what I was about to say when I was interrupted by the gentleman from Pennsylvania was, that this work is now done under an agreement made between the committee and the persons applying for it, with no knowledge further than what the committee may have in reference to the agreement which they make. Now, without entering into the reflections which have been cast on the Committee on Engraving and Printing, both in this and in past Congresses, I say that this amendment will relieve them from the liability to such charges, and we shall have the work done properly. There can certainly be no harm in providing that when the House has any work to be done it shall be done by contract; that it shall be thrown open to public competition, and that every person shall have an opportunity of bidding for it. The committee will then be relieved from these charges and the work will certainly be done more economically.

The work is now done by an arrangement between the committee and any persons who come before them. The plan I propose is certainly more fair, more just, and more economical. I therefore hope that my amendment may be adopted.

Mr. WASHBURN, of Maine. While I have no desire to throw obstruction in the way of the gentleman from Delaware in obtaining such legislation, or such order or resolution of the House as he supposes may be expedient in reference to this matter of binding, engraving, &c., I wish to suggest to him and to the committee, that the rules of the House are hardly the proper place for the accomplishment of any such purpose; and I think the rule cannot be so amended as to make the provision which he desires. In case the measure should operate unfavorably, it would be too inconvenient and difficult to change it if we place it in this position. If there is a necessity for some legislation in regard to this matter, there is another way, and the gentleman knows it very well, in which he can accomplish what he desires.

Mr. FLORENCE. I think the practice of the Committee on Engraving and the Committee on Printing now is, to invite bids for contracts. The Committee on Engraving invite proposals for contracts for the lithography and engraving ordered by the House. I do not think that they advertise for proposals, but I think I have seen in the papers an advertisement from the Superintendent of the Public Printing for proposals for the lithography and wood cuts to be executed under the order of the House.

Mr. WHITELEY. If the gentleman will read the twenty-sixth amendment proposed by the committee on the revision of the rules, he will find that the committee are authorized to make an agreement for the lithographing, engraving, coloring, &c., with any persons, and there is no law upon the statute-book compelling them to receive any bids or make any contracts. My amendment proposed that, before they make any agreement, they shall advertise for bids, and give the work to the lowest bidder. Now, I would ask for the law.

Mr. FLORENCE. I am not prepared to refer to the law. I am speaking of the practice and usage, and I will tell the gentleman how it grew up. Gentlemen who were here three or four years ago will recollect that at that time there was some suspicion attached to the acts of the Committee on Engraving of the House, if I recollect distinctly; and it was said that fairness had not been exercised in the disposition of the contracts. The committee themselves adopted a resolution, and authorized the Superintendent of the Public Printing to advertise for bids for the lithography and wood cuts to be executed for documents printed by order of the House. That practice has continued from that day to this; and while there may be no objection to the authority being given, as proposed by the gentleman from Delaware, I do not think that it is necessary, for the work is now executed under that system.

But if the gentleman asks me what I think of the contract system, I will tell him. I think it a very bad system indeed. Take the binding executed for this House as an illustration. It is given to the lowest bidder. The price fixed by law, or by resolution of the House—for I do not know much about the law, but I am familiar with the practice and usage—the price fixed for a certain description of binding is twelve and a half cents a volume. Proposals are invited and received for executing the binding, and the work is done for ten cents a volume. Well, it is "cheap and nasty," on the Canal street plan. [Laughter.] It is not executed as it ought to be. If gentlemen examine the documents which are bound at the low price of ten cents a volume, they will find that they are stuck together with glue, or some such substance, and not stitched together, as they ought to be. The consequence is, that if, by any accident, a mail-bag containing such documents is thrown into the water, the documents drop to pieces; whereas, if they were properly bound, and for a fair compensation, they would not fall to pieces if water got into them. I have seen that tested, and it is the experience of every one who has investigated the matter.

That is the result of the contract system. Go into the market and make a fair contract, taking the fundamental principal upon which we ought to rear the superstructure here that every man who comes on this floor is an honest man, and intends to perform his duty conscientiously and honestly. Let the committee go out and make an arrangement with practical binders—not speculators, not adventurers, not men who come sailing round here at the organization of the House to get jobs, but practical men, and my word for it, you will get the work well done. [Cries of "Louder!"] Yes, sir; I wish I could halloo loud enough to impress upon gentlemen the fact that if we are to have honesty, integrity, and fair dealing in the transaction of the business of the Government, we must have a fair price for the work to be done, as the basis upon which it is to be done.

Mr. REAGAN. I merely want to make a suggestion. I understand that the object of the adoption of the rules of this House is to provide regulations for the government of this body, and that all matters of contract should be regulated by a law of Congress. I agree perfectly with the gentleman from Delaware, as to the object of his amendment, but without having examined the subject with any degree of care, it is my impression that the mode of letting these contracts should be a matter of provision by law.

Mr. WHITELEY. The 26th rule provides for an agreement between the Committees on Printing and Engraving.

Mr. GROW. I rise to a question of order. Both of these gentlemen have already addressed the committee upon this amendment. I ask that the question shall be taken.

The amendment was disagreed to.

Mr. WASHBURN, of Maine. I now move that the resolution at the close of the report be voted on.

The resolution was read, as follows:

Resolved, That John M. Barclay, assistant clerk of the House of Representatives, be, and he is hereby, authorized and empowered to rearrange the rules of the House of Representatives of the United States, as amended, with a view to make the connection and subject of said rules correspond as nearly as practicable; and that said rearrangement to be made under the direction of the committee on the revision of the rules, together with the Constitution of the United States, Jefferson's Manual, the rules of the Senate, the joint rules of the two Houses, and a revised edition of the Manual lately prepared by said Barclay, be furnished by him for the use of the House.

Mr. VALLANDIGHAM. I would suggest that the committee which has had this matter in charge also perform the work of correcting the numerous typographical errors which are in the rules as they are now printed. I understand the work is stereotyped, and that they will not be corrected unless some such arrangement is made.

Mr. HARDEMAN. I move that the following resolution be adopted:

Resolved, That in addition to the standing committees appointed by this House, there shall be a committee appointed whose arduous duties shall consist in codifying, simplifying, and explaining the present unintelligible rules of this House. [Laughter.]

The CHAIRMAN. That resolution is not in order.

The resolution reported by the committee was agreed to.

Mr. WASHBURN, of Maine. I move that the committee rise and report the amendments to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman [Mr. STANTON] reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the report of the select committee on the rules, and had instructed him to report the same back to the House with sundry amendments, and with a recommendation that they be passed.

Mr. WASHBUBN, of Maine. I call the previous question upon the adoption of the report.

Mr. REAGAN. I rise to a question of order. I have no wish to interfere with this report, but I understand that the question of ref-

erence of the Military Academy bill, with the amendments of the Senate, is the first question before the House as the unfinished business of yesterday.

The SPEAKER. The Chair supposes that the report of the committee on rules, having been made the special order, will take precedence.

Mr. REAGAN. I have no objection to this report being disposed of now, supposing that the bill to which I have referred will come up next in order.

Mr. BOCOCK. I would suggest that, without reading all these amendments, gentlemen should designate such as they wish a separate vote upon, and that the vote be taken upon the others in the aggregate.

The SPEAKER. The Chair will pursue that course, if no objection be made.

Mr. VALLANDIGHAM. I ask the gentleman from Maine to withdraw the demand for the previous question for a moment. Gentlemen around me are desirous that a vote shall be taken by yeas and nays upon the motion to abolish this hour rule. I ask the gentleman to allow that motion to be made, and a vote taken upon it.

Mr. WASHBURN, of Maine. Gentlemen around me say they would like to have a vote upon that proposition, and also upon the amendment which I submitted in committee to fix the hour of daily meeting at two o'clock. I am willing to allow both these amendments to be considered as pending, and withdraw the demand for the previous question for that purpose.

Mr. VALLANDIGHAM. I move, then, to strike out the first clause of the 34th rule.

Mr. WASHBURN, of Maine. I submit the amendment which I have indicated, and I now call the previous question.

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Mr. WASHBURN, of Maine. The main question has been ordered upon the report of the Committee of the Whole on the state of the Union, and I now suggest that the amendments reported to the rules, upon which separate votes are not asked, be voted upon *en masse*. I do not believe it is necessary to read them all over again, for they must be fresh in the memory of every gentleman here.

The SPEAKER. That course will be adopted, if there is no objection.

Mr. GARNETT. I move that the House adjourn.

Mr. WASHBURN, of Maine. I ask the gentleman from Virginia to withdraw his motion to adjourn until we can act upon the amendments which are not objected to, and upon which separate votes are not asked.

AMENDMENT OF THE RULES—AGAIN.

Mr. WASHBURN, of Maine. I ask that members now state what amendments they desire the House shall separately vote upon.

Mr. STANTON. I want a separate vote on the twenty-sixth amendment, in relation to the contracting for the engraving.

Mr. WELLS. I ask for a separate vote on the fourth amendment.

Mr. VALLANDIGHAM. I ask for a separate vote on the amendment of the 34th rule.

The question was then taken on the amendments reported from the Committee of the Whole on the state of the Union to which there was no objection; and they were concurred in *en masse*.

Mr. WASHBURN, of Maine, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. WASHBURN, of Maine. Did the vote just taken include the resolution reported from the committee?

The SPEAKER. The Speaker understood that it did.

Mr. BURNETT. No, sir. I want a separate vote on that.

Mr. WASHBURN, of Maine. Let it be read.

The resolution was read, as follows:

Resolved, That John M. Barclay, assistant clerk of the House of Representatives, be, and he is hereby, authorized and empowered to rearrange the rules of the House of Representatives of the United States, as amended, with a view to make the connection and subject of said rules correspond as nearly as practicable; and that said rearrangement, to be made under the direction of the committee on the revision of the rules, together with the Constitution of the United States, Jefferson's Manual, the rules of the Senate, the joint rules of the two Houses, and a revised edition of the Manual lately prepared by said Barclay, be furnished by him for the use of the House.

Mr. BURNETT. I do not know but that I will vote for the resolution, if the gentleman from Maine will satisfactorily answer a question I will put to him. Has the committee on the revision of the rules made any estimate of what will be the cost of this work which they recommend?

Mr. WASHBURN, of Maine. I have not, for one. I do not know whether any estimate has been made.

Mr. BURNETT. I ask the gentleman, furthermore, what will be the size of the book containing the Constitution of the United States, Jefferson's Manual and the rules compiled as suggested by the committee?

Mr. WASHBURN, of Maine. About one-fourth larger than the present book.

Mr. GROW. That is about what will be its size.

Mr. BURNETT. I do not want to do anything that will interfere with any good reform that may be proposed by this committee. I think that the amendments proposed, so far as I have examined them, are good ones. I do hope, however, that the committee will not urge upon this House the publication of a book when they are unable to inform us what will be its cost.

Mr. WASHBURN, of Maine. The present book containing the Manual and rules is stereotyped, and consequently there will be but little additional expense. It is necessary that we should have these rules rearranged, and that we should have the admirable digest made by Mr. Barclay.

Mr. GROW. Unles that is done we will be led into inextricable confusion in reference to the rules.

The question was taken, and the resolution adopted.

Mr. GROW moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WEST POINT MILITARY ACADEMY.

Mr. HAMILTON. Mr. Speaker, I believe there is nothing now pending before the House.

Mr. WASHBURN, of Maine. The amendment of the rules is now before the House. I ask for a vote upon that amendment upon which a separate vote was demanded by the gentleman from New York [Mr. WELLS.]

Mr. JOHN COCHRANE. I move that the House do now adjourn.

Mr. HAMILTON. I thought that you, Mr. Speaker, decided that I was entitled to the floor.

The SPEAKER. The Chair is of opinion that if the gentleman from Maine [Mr. WASHBURN] presses the matter of which he has the charge, it will be first in order. If the House agrees to the motion of the gentleman from New York [Mr. JOHN COCHRANE] to adjourn, the subject of the amendment of the rules will be first in order when the House meets again.

Mr. HAMILTON. I hope the gentleman from New York [Mr. JOHN COCHRANE] will withdraw his motion to adjourn, as I desire but a few moments of the time of the House.

Mr. JOHN COCHRANE. I will withdraw the motion for that purpose.

The motion to adjourn was accordingly withdrawn.

Mr. HAMILTON. Mr. Speaker——

Mr. MALLORY. Will the gentleman from Texas [Mr. HAMILTON] allow me to make a motion to refer a bill to a committee?

Mr. HAMILTON. I would like to oblige the gentleman from Kentucky, [Mr. MALLORY,] but the matter I have in hand is very important.

Mr. MALLORY. You will have the floor when I get through, and it will take but a moment.

Mr. HAMILTON. With that understanding I will yield the floor.

Mr. MALLORY. I move to take up from the table, and refer to the Committee on Roads and Canals, the joint resolution of the Senate, authorizing the enlargement of, and the construction of a branch of the Louisville and Portland canal.

Mr. NIBLACK objected to taking up the joint resolution.

Mr. HAMILTON. I wish to say to the House that when the adjournment occurred on yesterday there were two motions pending: one by myself, to refer the appropriation bill for the Military Academy, at West Point, to the Committee on Military Affairs; and the other motion by the gentleman from Ohio [Mr. SHERMAN,] the chairman of the Committee of Ways and Means, to have the bill referred to his committee. The House adjourned pending the consideration of these motions; and I suppose that, in the regular order of business, had it not been for the precedence of the subject of the amendment of the rules, it would have been the first business to-day. I now ask the indulgence of the House to dispose of these motions at this time. The reason why I ask it is, that the State that I and my colleague [Mr. REAGAN] have the honor to represent upon this floor demands that there should be speedy action. It must be known to all gentlemen who have given any attention to the subject that we have a line of frontier of more than two thousand miles——

Mr. WASHBURN, of Maine. I must object to this, for we are now acting under the previous question.

The SPEAKER. The Chair will state that if the special order, the amendment of the rules, is insisted on by the gentleman from Maine, [Mr. WASHBURN,] it must be gone through with before the gentleman from Texas [Mr. HAMILTON] will be in order.

Mr. GARNETT. I move that the House adjourn.

The motion was agreed to.

And the House accordingly (at half past four o'clock, p. m.) adjourned until Monday next.

STANDING RULES AND ORDERS

FOR CONDUCTING BUSINESS IN

THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES AT THE CLOSE OF THE FIRST SESSION 46TH CONGRESS.

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.—*April* 7, 1789.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members—*April* 7, 1789; on which appeal no member shall speak more than once, except by leave of the House.—*December* 23, 1811.

3. He shall rise to put a question, but may state it sitting.—*April* 7, 1789.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say *Ay*"; and after the affirmative voice is expressed, "as many as are of the contrary opinion, say *No*." If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterward those in the negative. If the Speaker still doubt, or a count be required, by at least one-fifth of a quorum of the members, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House.—*March* 16, 1860.

5. The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall, and the unappropriated rooms in that part of the Capitol assigned to the House shall be subject to his order and disposal until the further order of the House. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment—*December* 23, 1811, and *May* 26, 1824: *Provided, however*, That in case of the personal illness of the Speaker, he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made.—*April* 28, 1876.

6. No person shall be permitted to perform divine service in the chamber occupied by the House of Representatives, unless with the consent of the Speaker.—*May* 19, 1804.

7. In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not be required to vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.—*April* 7, 1789.

8. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.—*November* 13, 1794.

9. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.—*March* 14, 1794.

OF THE CLERK AND OTHER OFFICERS.

10. There shall be elected at the commencement of each Congress' to continue in office until their successors are appointed, a Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, each of whom shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and to keep the secrets of the House; and the appointees of the Doorkeeper and Postmaster shall be subject to the approval of the Speaker; and, in all cases of election by the House of its officers, the vote shall be taken *viva voce*.—*March* 16, 1860.

11. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.—*April* 7, 1789.

12. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained.—*April* 7, 1789. And in all ballotings blanks shall be rejected, and not taken into the count in enumeration of votes, or reported by the tellers.—*September* 15, 1837.

13. It shall be the duty of the Clerk to make, and cause to be printed, and delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or department of the government to make to Congress; referring to the act or resolution, and page of the volume of the laws or Journal in which it may be contained; and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.—*March* 13, 1822.

14. It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journals thereof to the executive and to each branch of the legislature of every State.—*November* 13, 1794.

15. All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the Journal of every session.—*December* 23, 1811.

16. The Clerk shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution, to members and delegates, of the Journal of the House, together with an accurate index to the same.—*June* 18, 1832.

17. There shall be retained in the library of the Clerk's office, for the use of the members there, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited in the library.—*December* 22, 1826.

18. The Clerk shall have preserved for each member of the House an extra copy, in good binding, of all the documents printed by order of either house at each future session of Congress.—*February* 9, 1831.

19. The Clerk shall make a weekly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of such orders and proceedings; which statement shall be printed for the use of the members.—*April* 21, 1836.

20. The Clerk shall cause an index to be prepared to the acts passed at every session of Congress, and to be printed and bound with the acts.—*July* 4, 1832.

21. All contracts, bargains, or agreements, relative to the furnishing any matter or thing, or for the performance of any labor, for the House of Representatives, shall be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee of Accounts.—*January* 30, 1846.

22. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to aid in the enforcement of order under the direction of the Speaker, and, pending the election of a Speaker, under the direction of the Clerk; to execute the commands of the House from time to time; together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.—*April* 14, 1789.

23. The symbol of his office (the mace) shall be borne by the Sergeant-at-Arms when in the execution of his office.—*April* 14, 1789.

24. The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for traveling expenses for himself or a special messenger, going and returning, one-tenth of a dollar for each mile—*April* 14, 1789—necessarily and actually traveled by such officer or other person in the execution of such precept or summons.—*March* 19, 1860.

25. It shall be the duty of the Sergeant-at-Arms to keep the accounts for the pay and mileage of members, to prepare checks, and, if required to do so, to draw the money on such checks for the members (the same being previously signed by the Speaker, and indorsed by the member), and pay over the same to the member entitled thereto.—*April* 4, 1838.

26. The Sergeant-at-Arms shall give bond, with surety, to the United States, in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members.—*April* 4, 1838.

27. The Doorkeeper shall execute strictly the 134th and 135th rules, relative to the privilege of the hall.—*March* 1, 1838. And he shall be required at the commencement and close of each session of Congress to take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and shall report the same to the House; which report shall be referred to the Committee on Accounts, who shall determine the amount for which he shall be held liable for missing articles.—*March* 2, 1865. It is the duty of the Doorkeeper, ten minutes before the hour for the meeting of the House each day, to see that the floor is cleared of all persons except those privileged to remain during the sessions of the House.—*March* 31, 1869.

28. The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of the members.—*April* 4, 1838.

OF THE MEMBERS.

29. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put.—*April* 17, 1789. When the roll-call is completed, the Speaker shall state that any member offering to vote does so upon the assurance that he was within the bar before the last name on the roll was called.—*March* 19, 1869. *Provided, however*, That any member who was absent by leave of the House may vote at any time before the result is announced.—*March* 2, 1865. It is not in order for the Speaker to entertain any request for a member to change his vote on any question after the result shall have been declared, nor shall any member be allowed to record his vote on any question, if he was not present when such vote was taken.—*May* 27, 1870.

30. Upon a division and count of the House on any question, no member without the bar shall be counted.—*November* 13, 1794.

31. Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him.—*April* 7, 1789. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without debate.—*September* 14, 1837.

32. The name of a member who presents a petition or memorial, or who offers a resolution to the consideration of the House, shall be inserted on the Journals.—*March* 22, 1806.

33. No member shall absent himself from the service of the House, unless he have leave, or be sick or unable to attend.—*April* 13, 1789.

OF CALLS OF THE HOUSE.

34. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.—*April* 17, 1789.

35. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.—*April* 7, 1789.

36. Upon the call of the House, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody, as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.—*November* 13, 1789, and *December* 14, 1795.

37. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expenses of such special messenger.—*November* 13, 1794.

ON MOTIONS, THEIR PRECEDENCE, ETC.

38. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair and read aloud by the Clerk, before debated.—*April* 7, 1789.

39. Every motion shall be reduced to writing if the Speaker or any member desire it.—*April* 7, 1789. Every *written* motion made to the House shall be inserted on the Journals, with the name of the member making it, unless it be withdrawn on the same day on which it was submitted.—*March* 26, 1806.

40. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House; but may be withdrawn at any time before a decision or amendment.—*April* 7, 1789.

41. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.—*December* 12, 1817.

42. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged—*March* 13, 1822—and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

43. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House on the state of the Union, the Committee of the Whole House, a standing committee, a select committee.—*March* 13, 1825.

44. A motion to adjourn, and a motion to fix a day to which the House shall adjourn, shall be always in order—*April* 7, 1789, and *January* 14, 1840; these motions, and the motion to lie on the table, shall be decided without debate.—*November* 13, 1794; *March* 13, 1822.

45. The hour at which every motion to adjourn is made shall be entered on the Journal.—*October* 9, 1837.

46. Any member may call for the division of a question, before or after the main question is ordered, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House.—*September* 15, 1837. A motion to strike out and insert shall be deemed indivisible—*December* 23, 1811; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.—*March* 13, 1822.

47. Motions and reports may be committed at the pleasure of the House.—*April* 7, 1789.

48. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.—*March* 13, 1822. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.—*September* 15, 1837.

49. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof—*January* 7, 1802—on the same or succeeding day—*December* 23, 1811; and such motion shall take precedence of all other questions, except a motion to adjourn—*May* 6, 1828—and shall not be withdrawn after the said succeeding day without the consent of the House; and thereafter any member may call it up for consideration.—*March* 2, 1848.

50. In filling up blanks, the largest sum and longest time shall be first put.—*April* 7, 1789.

ORDER OF BUSINESS OF THE DAY.

51. As soon as the Journal is read, and the unfinished business in which the House was engaged at the last preceding adjournment has been disposed of, reports from committees shall be called for and disposed of; in doing which the Speaker shall call upon each standing committee in regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off—*September* 15, 1837—giving preference to the report last under consideration: *Provided:* That whenever any committee shall have occupied the morning hour on two days, is shall not be in order for such committee to report further until the other committees shall have been called in their turn.—*December* 7, 1857. And the morning hour shall not be dispensed with upon any day for any purpose except by a vote of two-thirds of the members present.—*April* 9, 1879.

52. Reports from committees having been presented and disposed of, the Speaker shall call for resolutions from the members of each State and Delegate from each Territory, beginning with Maine and the Territory last organized, alternately; and they shall not be debated on the very day of their being presented, nor on any day assigned by the House for the receipt of resolutions, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented; and if on any day the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day: *Provided:* That no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.—*January* 14, 1829.

53. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the executive departments, or by the Postmaster-General, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House—*December* 13, 1820—and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees, and, when adopted, the Clerk shall cause the same to be delivered.—*January* 22, 1822.

54. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day—*January* 5, 1832; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

1st. Messages and other executive communications.
2d. Messages from the Senate, and amendments proposed by the Senate to bills of the House.
3d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees and put under way; but if, on being read a second time, no motion being made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.
4th. Engrossed bills and bills from the Senate on their third reading.
5th. Bills of the House and from the Senate, on the Speaker's table on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading.

The messages, communications, and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.—*September* 14, 1837.

55. The business specified in the 54th and 130th rules shall be done at no other part of the day, except by permission of the House—*December* 23, 1811.

56. The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.—*March* 18, 1860.

OF DECORUM AND DEBATE.

57. When any member is about to speak in debate, or deliver any

matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker"—*April* 7, 1789—and shall confine himself to the question under debate, and avoid personality.—*December* 23, 1811.

58. Members may address the House or committee from the Clerk's desk, or from a place near the Speaker's chair.

59. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.—*April* 7, 1789.

60. No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer—*December* 18, 1847—after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee—*August* 14, 1850: *Provided further*, That the House may, by the vote of a majority of the members present, at any time after the five minutes' debate has taken place upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at their election, upon the pending amendments only.—*March* 19, 1860.

61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the case require it, he shall be liable to the censure of the House.—*April* 7, 1789, and *March* 13, 1822.

62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.—*September* 14, 1837.

63. No member shall speak more than once to the same question without leave of the House—*April* 7, 1789—unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.—*January* 14, 1840.

64. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day shall be permitted again to speak without leave.—*April* 7, 1789.

65. While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking, shall pass between him and the Chair.—*April* 7, 1789, Every member shall remain uncovered during the session of the House.—*September* 14, 1837. No member or other person shall visit or remain by the Clerk's table while the ayes and noes are calling, or ballots are counting.—*September* 14, 1837. Smoking is prohibited within the bar of the House or gallery.—*February* 28, 1871.

66. All questions relating to the priority of business to be acted on shall be decided without debate.—*February* 21, 1803.

OF COMMITTEES.

67. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if upon such ballot the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.—*January* 13, 1790.

68. The first-named member of any committee shall be the chairman; and in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee, by a majority of their number, elect a chairman.—*December* 28, 1805.

69. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.—*April* 13, 1789.

70. It shall be the duty of a committee to meet on the call of any two of its members, if the chairman be absent or decline to appoint such meeting.—*December* 20, 1805.

71. The several standing committees of the House shall have leave to report by bill or otherwise.—*March* 13, 1822.

72. No committee shall sit during the sitting of the House without special leave.—*November* 13, 1789.

73. No committee shall be permitted to employ a clerk at the public expense without first obtaining leave of the House for that purpose.—*December* 14, 1838.

74. Thirty-four standing committees shall be appointed at the commencement of each Congress, viz:

A Committee of Elections.—*Nov.* 13, 1789. A Committee of Ways and Means.—*Jan.* 7, 1802. A Committee on Appropriations.—*March* 2, 1865. A Committee on Banking and Currency.—*March* 2, 1865. A Committee on the Pacific Railroad.—*March* 2, 1865. A Committee of Claims.—*Nov.* 13, 1794. A Committee on Commerce.—*Dec.* 14, 1795. A Committee on the Public Lands.—*Dec.* 17, 1805. A Committee on the Post-Office and Post-Roads.—*Nov.* 9, 1808. A Committee for the District of Columbia.—*Jan.* 27, 1808.	To consist of fifteen members each. (April 9, 1879.) Except the Committee on the Pacific Railroad, to consist of thirteen members. (March 9, 1869.)
A Committee on the Judiciary.—*June* 3, 1813. A Committee on War-Claims.—*Dec.* 2, 1873. A Committee on Public Expenditures.—*Feb.* 26, 1814. A Committee on Private Land-Claims.—*April* 29, 1816. A Committee on Manufactures.—*Dec.* 8, 1819. A Committee on Agriculture.—*May* 3, 1820. A Committee on Indian Affairs.—*Dec.* 18, 1821. A Committee on Military Affairs.—*March* 13, 1822. A Committee on the Militia.—*Dec.* 10, 1835. A Committee on Naval Affairs.—*March* 13, 1822. A Committee on Foreign Affairs.—*March* 13, 1822. A Committee on the Territories.—*Dec.* 13, 1825. A Committee on Revolutionary Pensions.—*Dec.* 9, 1825. A Committee on Invalid Pensions.—*Jan.* 10, 1831. A Committee on Railways and Canals.—*April* 9, 1869. A Committee on Mines and Mining.—*Dec.* 19, 1865. A Committee on Freedmen's Affairs.—*Dec.* 4, 1866. A Committee on Education and Labor.—*March* 21, 1867. A Committee on the Revision of the Laws.—*July* 25, 1868. A Committee on Public Buildings and Grounds.—*March* 10, 1871. A Committee on Patents.—*Sept.* 15, 1837. A Committee on Coinage, Weights, and Measures.—*Jan.* 21, 1864.—*March* 2, 1867.	To consist of eleven members each, except Agriculture, Judiciary, and Commerce, which shall consist of fifteen members each. (April 9, 1879.)
A Committee of Accounts.—*Nov.* 7, 1804. A Committee on Mileage.—*Sept.* 15, 1837.	To consist of five members each.

75. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.—*November* 13, 1789; *November* 13, 1794.

76. It shall be the duty of the Committee on Appropriations to take into consideration all executive communications and such other propositions in regard to carrying on the several departments of the Government as may be presented and referred to them by the House.—*March* 2, 1865. In preparing bills of appropriations for other objects the Committee on Appropriations shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred to them for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.—*March* 2, 1865.

77. It shall also be the duty of the Committee on Appropriations, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills—*September* 14, 1837—for legislative, executive, and judicial expenses; for sundry civil expenses; for consular and diplomatic expenses; for the Army; for the Navy; for the expenses of the Indian Department; for the payment of invalid and other pensions; for the support of the Military Academy; for fortifications; for the service of the Post-Office Department, and for mail transportation by ocean steamers; or in failure thereof, the reasons of such failure. And said committee shall have leave to report said bills (for reference only) at any time.—*March* 2, 1865. In all cases where appropriations cannot be made specific in amount, the maximum to be expended shall be stated, and each appropriation bill, when reported from the committee, shall, in the concluding clause, state the sum total of all the items contained in said bill.—*March* 15, 1867.

78. It shall be the duty of the Committee of Claims to take into consideration all such petitions and matters or things touching claims and demands on the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*November* 13, 1794.

79. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report from time to time their opinion thereon.—*December* 14, 1795. And hereafter the Committee on Commerce shall have the same privilege to report bills making appropriations for the improvement of rivers and harbors that is accorded to the Committee on Appropriations in reporting general appropriation bills.—*April* 9, 1879.

80. It shall be the duty of the Committee on the Public Lands to

take into consideration all such petitions and matters or things respecting the lands of the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.—*December* 17, 1805.

81. It shall be the duty of the Committee on the Post-Office and Post-Roads to take into consideration all such petitions and matters or things touching the post-office and post-roads as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*November* 9, 1808.

82. It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions and matters or things touching the said District as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*January* 27, 1808. The third Monday of each month, from the hour of 2 o'clock p. m., until the adjournment of that day, shall, when claimed by the Committee for the District of Columbia, be devoted exclusively to business reported from said committee; and said committee shall henceforth be omitted by the Speaker in the regular call of committees.—*May* 8, 1874.

83. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*June* 3, 1813.

84. It shall be the duty of the Committee on War-Claims to take into consideration all such petitions and matters or things touching claims growing out of any war in which the United States has been engaged; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*December* 2, 1873.

85. It shall be the duty of the Committee on Public Expendi tures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.—*February* 26, 1813.

86. It shall be the duty of the Committee on Private Land-Claims to take into consideration all claims to land which may be referred to them, or shall or may come in question; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*April* 29, 1816.

87. It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defense which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.—*March* 13, 1822.

88. It shall be the duty of the Committee on the Militia to take into consideration and report on all subjects connected with the organizing, arming, and disciplining the militia of the United States.—*December* 10, 1835.

89. It shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.—*March* 13, 1822.

90. It shall be the duty of the Committee on Foreign Affairs to take into consideration all matters which concern the relations of the United States with foreign nations, and which shall be referred to them by the House; and to report their opinion on the same.—*March* 13, 1822.

91. It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories; and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.—*December* 13, 1825.

92. It shall be the duty of the Committee on Revolutionary Pensions to take into consideration all such matters respecting pensions for services in the revolutionary war, other than invalid pensions, as shall be referred to them by the House—*January* 10, 1831; and all matters relating to pensions to soldiers of the war of 1812 shall be referred to the said committee.—*March* 26, 1867.

93. It shall be the duty of the Committee on Invalid Pensions to take into consideration all such matters respecting invalid pensions as shall be referred to them by the House—*January* 10, 1831; except such as relate to pensions to soldiers of the war of 1812.—*March* 26, 1867.

94. It shall be the duty of the Committee on Railways and Canals to take into consideration all such petitions and matters or things relating to railways and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.—*December* 15, 1831.

95. It shall be the duty of the Committee on Patents to consider all subjects relating to patents which may be referred to them; and report their opinion thereon, together with such propositions relative thereto as may seem to them expedient.—*September* 15, 1837.

96. It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the city of Washington, and all the public buildings constructed by the United States, which may be referred to them; and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.—*September* 15, 1837; *March* 10, 1871.

97. [This rule, which prescribed the duty of the Committee of Revisal and Unfinished Business, was virtually rescinded by the resolution of July 25, 1868, abolishing the said committee and creating a Committee on the Revision of the Laws.]

98. It shall be the duty of the Committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives—*December* 17, 1805; also to audit and settle all accounts which may be charged thereon.—*December* 23, 1811.

99. It shall be the duty of the Committee on Mileage to ascertain and report the distance to the Sergeant-at-Arms for which each member shall receive pay.—*September* 15, 1837.

100. There shall be referred by the Clerk to the members of the Committee on Printing on the part of the House all drawings, maps, charts, or other papers which may at any time come before the House for engraving, lithographing, or publishing in any way; which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract by agreement, in writing, for all such engraving, lithographing, printing, drawing, and coloring, as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts, to govern said committee in all allowances for such works, and it shall be in order for said committee to report at all times.—*March* 16, 1844.

101. It shall be in order for the Committee on Enrolled Bills—*March* 13, 1822—and the Committee on Printing to report at any time—*March* 16, 1860.

102. Eight additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duty shall continue until the first session of the ensuing Congress.—*March* 30, 1816.

To consist of seven members each, except the Committee on Expenditures in the Treasury Department and in the Department of Justice, which consist of nine members each.

1. A committee on so much of the public accounts and expenditures as relates to the Department of State;
2. A committee on so much of the public accounts and expenditures as relates to the Treasury Department;
3. A committee on so much of the public accounts and expenditures as relates to the Department of War;
4. A committee on so much of the public accounts and expenditures as relates to the Department of the Navy;
5. A committee on so much of the public accounts and expenditures as relates to the Post-Office;
6. A committee on so much of the public accounts and expenditures as relates to the Public Buildings;
7. A committee on so much of the public accounts and expenditures as relates to the Interior Department; and
8. A committee on so much of the public accounts and expenditures as relates to the Department of Justice.

103. It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

Whether the expenditures of the respective departments are justified by law;

Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers, establishing their justness both as to their character and amount;

Whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; and

Whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys, and to secure the government from demands unjust in their character or extravagant in their amount.

And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several departments, without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several departments and the accountability of their officers.—*March* 30, 1816.

It shall be the duty of the several committees on public expenditures to inquire whether any offices belonging to the branches or

departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary; and to report, from time to time, on the expediency of modifying or abolishing the same; also, to examine into the pay and emoluments of all officers under the laws of the United States; and to report, from time to time, such a reduction or increase thereof as a just economy and the public service may require.—*February* 19, 1817.

OF COMMITTEES OF THE WHOLE.

104. The House may at any time, by vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union—*January* 25, 1848—from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.—*March* 11, 1844.

105. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.—*April* 7, 1789.

106. Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the name of the absentees to the House, which shall be entered on the Journal.—*December* 18, 1847.

107. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before the question to engross it be taken.—*April* 17, 1789.

108. All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.—*April* 7, 1789.

109. All amendments made to a report committed to a Committee of the Whole House shall be noted and reported, as in the case of bills.—*April* 7, 1789.

110. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a committee of the Whole House.—*November* 13, 1794.

111. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.—*November* 13, 1794.

112. All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.—*January* 13, 1874.

113. The rules of proceedings in the House shall be observed in a Committee of the Whole House so far as they may be applicable, except the rule limiting the times of speaking—*April* 7, 1789; but no member shall speak twice to any question until every member choosing to speak shall have spoken.—*December* 18, 1805.

114. In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside: *Provided*, That general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them.—*July* 27, 1848; and all debate on special orders shall be confined strictly to the measure under consideration.—*March* 16, 1860.

OF BILLS.

115. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for; such motion, or the bill when introduced, may be committed—*April* 7, 1789; *September* 15, 1837; and *March* 2, 1838. But the Speaker shall not entertain a motion for leave to introduce a bill or joint resolution for the establishment or change of post-routes, or for the improvement of rivers and harbors, and all propositions relating thereto shall be referred, under the rule, like petitions and other papers, to the appropriate committee.—*May* 5, 1870, and *May* 16, 1879.

116. Every bill shall receive three several readings in the House previous to its passage; and bills shall be dispatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be read twice on the same day without special order of the House.—*April* 7, 1789.

117. The first reading of the bill shall be for information, and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.—*April* 7, 1789.

118. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the Whole House; if to a Committee of the Whole House, the House shall determine on what day—*November* 13, 1794; if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed on the general file on the Speaker's table, to be taken up in order—*September* 14, 1837. But if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.—*November* 13, 1874.

119. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.—*September* 14, 1837.

And the House may at any time, by a vote of the majority of the members present, make any of the general appropriation bills a special order.—*March* 16, 1860.

120. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law—*September* 14, 1837—unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision in any such bill or amendment thereto, changing existing law, be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.—*January* 18, 1876.

121. Upon the engrossment of any bill making appropriations of money for works of internal improvement of any kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately and others collectively, as the members making the call may specify; and if one-fifth of the members present second said call, it shall be the duty of the Speaker to make such divisions of the question, and put them to vote accordingly.—*February* 26, 1846.

122. The bills from the Court of Claims shall, on being laid before the House, be read a first and second time, committed to a Committee of the Whole House, and, together with the accompanying reports, printed.—*March* 16, 1860.

123. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection.—*March* 16, 1822. Whenever a bill is reported from a Committee of the Whole, with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House.—*March* 16, 1860. But before the question of concurrence is submitted, it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House, it shall be referred to the Committee of the Whole without debate, and resume its original place on the calendar.—*May* 26, 1870.

124. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted—*April* 7, 1789; and should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill.—*March* 16, 1860.

125. All bills ordered to be engrossed shall be executed in a fair round hand.—*April* 7, 1789.

126. No amendment by way of *rider* shall be received to any bill on its third reading.—*April* 8, 1814.

127. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.—*April* 7, 1789.

LOCAL OR PRIVATE BUSINESS.

128. Friday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.—*January* 22, 1810; *January* 26, 1826; and *May* 8, 1874.

129. On the first and fourth Friday of each month, the calendar of private bills shall be called over (the chairman of the Committee of the Whole House commencing the call where he left off the previous day), and the bills to the passage of which no objection shall then be made shall be first considered and disposed of.—*January* 25, 1839. But when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.—*March* 16, 1860; *May* 8, 1874.

OF BILLS ON LEAVE AND RESOLUTIONS.

130. All the States and Territories shall be called for bills on leave and resolutions every Monday during each session of Congress; and,

if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to bills on leave and resolutions, until all the States and Territories are called through.—*February* 6, 1838. And under this call resolutions for information from the Executive Departments may be offered for reference to appropriate committees, and such committees shall report thereon within one week thereafter.—*May* 1, 1879. And the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the Journal is read shall be referred, without debate, to their appropriate committees: *Provided, however*, That a bill so introduced and referred, and all bills at any time introduced by unanimous consent and referred, shall not be brought back into the House upon a motion to reconsider.—*March* 16, 1860, and *January* 11, 1872. And on said call, joint resolutions of State and Territorial legislatures for printing and reference may be introduced.—*January* 11, 1867. And all private bills and joint resolutions hereafter introduced which have been printed by order of either House of a preceding House, shall not be again printed at the expense of the Government until after a reference to a committee and report thereon with a favorable recommendation.—*April* 9, 1879.

OF PETITIONS AND MEMORIALS.

131. Members having petitions and memorials to present may hand them to the Clerk, indorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the Journal, subject to the control and the direction of Speaker, and if any petition or memorial be so handed in which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received.—*March* 29, 1842.

OF THE PREVIOUS QUESTION.

132. The previous question shall be in this form: "Shall the main question be now put?"—*April* 7, 1789. It shall only be admitted when demanded by a majority of the members present—*February* 24, 1812; and its effect shall be to put an end to all debate, and to bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any; then—*August* 5, 1848—upon pending amendments, and then upon the main question.—*January* 14, 1840. But its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion. Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed as though no motion for the previous question had been made. The House may also, at any time, on motion seconded by a majority of the members present, close all debate upon a pending amendment, or an amendment thereto, and cause the question to be put thereon; and this shall not preclude any further amendment or debate upon the bill. A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present.—*March* 16, 1860.

133. On a previous question there shall be no debate.—*December* 17, 1805. All incidental questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.—*September* 15, 1837.

OF ADMISSION ON THE FLOOR.

134. No person except members of the Senate, their Secretary, heads of departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress—*March* 15, 1867—shall be admitted within the hall of the House of Representatives—*March* 19, 1860—or any of the rooms upon the same floor or leading into the same—*March* 2, 1865: *Provided*, That ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the hall of the House; and no persons except those herein specified shall at any time be admitted to the floor of the House.—*March* 15, 1867.

OF REPORTERS.

135. Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, but not on the floor of the House; but no person shall be allowed the privilege of said gallery under the character of stenographer or reporter without a written permission of the Speaker, specifying the part of said gallery assigned to him; nor shall said stenographer or reporter be admitted to said gallery unless he shall state in writing for what paper or papers he is employed to report; nor shall he be so admitted, or, if admitted, be suffered to retain his seat, if he shall be or become an agent to prosecute any claim pending before Congress; and the Speaker shall give his written permission with this condition.—*December* 23, 1857.

UNFINISHED BUSINESS OF THE SESSION.

136. After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place.—*March* 17, 1848. And all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress, as if no adjournment had taken place.—*March* 16, 1860.

MISCELLANEOUS.

137. Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-Arms, and Doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.—*February* 17, 1792, and *December* 30, 1793.

138. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of four dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.—*May* 21, 1872.

139. Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House.—*March* 2, 1837; *September* 11, 1837.

140. No extra compensation shall be allowed to any officer or messenger, page, laborer, or other person in the service of the House, or engaged in or about the public grounds or buildings; and no person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee of Accounts to inquire into and report to the House any violation of this rule.—*March* 8, 1842.

141. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.—*November* 13, 1794.

142. When a question is postponed indefinitely, the same shall not be acted upon again during the session.—*December* 17, 1805.

143. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.—*April* 7, 1789.

144. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and joint rules of the Senate and House of Representatives.—*September* 15, 1837.

145. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor—*November* 13, 1794; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present—*March* 13, 1822; nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present; nor shall the Speaker entertain a motion to suspend the rules, except during the last six days of the session, and on Monday of every week at the expiration of one hour after the Journal is read—*April* 26, 1828, and *June* 22, 1874—unless the call of States and Territories for bills on leave and resolutions has been earlier concluded, when the Speaker may entertain a motion to suspend the rules.—*June* 8, 1864.

146. All elections of officers of the House, including the Speaker, shall be conducted in accordance with these rules, so far as the same are applicable; and, pending the election of the Speaker, the Clerk shall preserve order and decorum, and shall decide all questions of order that may arise, subject to appeal to the House.—*March* 19, 1860.

147. These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.—*March* 19, 1860.

148. An additional standing committee shall be appointed at the commencement of each Congress, whose duties shall continue until the first session of the ensuing Congress, to consist of seven members, to be entitled a "Committee on Coinage, Weights, and Measures;" and to this committee shall be referred all bills, resolutions, and communications to the House upon that subject.—*January* 21, 1864; *March* 2, 1867.

149. The names of members not voting on any call of the ayes and noes shall be recorded in the Journal immediately after those voting in the affirmative and negative, and the same record shall be made in the Congressional Globe.—*June* 8, 1864.

150. It shall be the duty of the Committee on the Pacific Railroad to take into consideration all such petitions and matters or things relative to railroads or telegraph lines between the Mississippi Valley and the Pacific coast as shall be presented or shall come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*March* 2, 1865.

151. It shall be the duty of the Committee of Ways and Means to take into consideration all reports of the Treasury Department, and such other propositions relative to raising revenue and providing ways and means for the support of the government as shall be presented or shall come in question, and be referred to them by the House, and to report their opinion thereon by bill or otherwise, as to them shall seem expedient; and said committee shall have leave to report for commitment at any time.—*March* 2, 1865.

152. It shall be the duty of the Committee on Banking and Currency to take into consideration all propositions relative to banking and the currency as shall be presented or shall come in question, and be referred to them by the House, and to report thereon by bill or otherwise.—*March* 2, 1865.

153. It shall be the duty of the Committee on Mines and Mining to consider all subjects relating to mines and mining that may be referred to them, and to report their opinion thereon, together with such propositions relative thereto as may seem to them expedient.—*December* 19, 1865.

154. The allowance of stationery to each member and Delegate shall be of the value of seventy-five dollars for a long session, and forty-five dollars for a short session of Congress.—*December* 19, 1865. (By law, the allowance for stationery and newspapers is fixed at one hundred and twenty-five dollars for each session.)

155. The hall of the House shall not be used for any other purpose than the legitimate business of the House, nor shall the Speaker entertain any proposition to use it for any other purpose, or for the suspension of this rule: *Provided*, That this shall not interfere with the performance of divine service therein, under the direction of the Speaker, or with the use of the same for caucus meetings of the members, or upon occasions where the House may, by resolution, agree to take part in any ceremonies to be observed therein.—*January* 31, 1866.

156. There shall be appointed at the commencement of each Congress a standing Committee on Freedmen's Affairs, to consist of nine members, whose duty it shall be to take charge of all matters concerning freedmen which shall be referred to them by the House.—*December* 4, 1866.

157. When an act has been approved by the President, the usual number of copies shall be printed for the use of the House.—*March* 15, 1867.

158. Messages from the Senate and the President of the United States, giving notice of bills passed or approved, shall be reported forthwith from the Clerk's desk.—*March* 15, 1867.

159. Estimates of appropriations, and all other communications from the executive departments, intended for the consideration of any of the committees of the House, shall be addressed to the Speaker, and by him submitted to the House for reference.—*March* 15, 1867.

160. There shall be appointed at each Congress a Committee on Education and Labor, to consist of nine members, to whom shall be referred all petitions, bills, reports, and resolutions on those subjects, and who shall, from time to time, report thereon.—*March* 21, 1867.

161. Pending the motion to suspend the rules, the Speaker may entertain one motion that the House do now adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.—*February* 25, 1868.

162. The Speaker shall appoint from among the Delegates from the Territories one additional member of the Committee on the Territories, one additional member of the Committee on Indian Affairs, one additional member of the Committee on Mines and Mining, and one additional member of the Committee on the Public Lands; but the said Delegates, in their respective committees, shall have the same privileges only as in the House.—*March* 29, 1876.

163. Whenever the seats of members shall have been drawn, no proposition shall be in order for a second drawing during the same Congress.—*February* 8, 1872.

164. All motions to withdraw papers from the files of the House shall be referred to the committee which last considered the case, who shall report without delay whether or not copies shall be left on file, but original papers shall not be withdrawn in any case where an adverse report has been made; and whenever the report is adverse, the same shall be in writing and ordered to be printed.—*December* 18, 1873.

165. The appointment and removal of the official reporters of the House, including stenographers of committees, shall be vested in the Speaker; and, in addition to their other duties, the reporters of the House proceedings and debates shall prepare and furnish for publication a list of the memorials, petitions, and other papers, with their reference, each day presented under the rule.—*January* 15, 1874, and *June* 22, 1874.

166. No person shall be allowed to enter the room over the hall of the House when the House is in session. The Clerk of the House is charged with the enforcement of this order.—*June* 17, 1876.

167. The committees of Ways and Means, on Banking and Currency, and on Coinage, Weights and Measures shall have leave to report at any time, and on motion of any member a majority of the House may fix a day for the consideration of any public bill reported by either of said committees, and the House may continue the consideration of such bill from day to day until disposed of.

RULES OF THE HOUSE.

DECEMBER 19, 1879.—Recommitted to the Committee on Rules, made the special order, in the Committee of the Whole House on the state of the Union, for January 6, 1880, after morning hour to the exclusion of all other orders, to be continued from day to day until disposed of, and ordered to be printed.

Mr. BLACKBURN, from the Committee on Rules, submitted the following

REPORT:

The Committee on Rules, in pursuance of the resolution of the 25th of June ultimo, authorizing them to sit during the then coming recess "for the purpose of revising, codifying, and simplifying the rules of the House," ask leave to submit the following report:

The urgent necessity of a thorough revision of the rules of the House cannot be better illustrated and shown than by the simple statement of the fact that of the present one hundred and sixty-six rules, sixty-three of that number, or portions thereof, were adopted prior to the year 1800, and that in the only revision and rearrangement of the rules ever made since that time at all approaching thoroughness, not less than thirty rules which were practically obsolete, in whole or in part, were allowed to remain among the standing rules of the House of Representatives.

In view of this fact the committee decided that a complete revision and codification of the rules was not only a parliamentary, but a practical business necessity, demanded both by the gradual change in parliamentary law and practice which has taken place since Jefferson's Manual was the standard recognized American authority, and by reason of the increased representation in the House, and the very large increase of business transacted, which can be best illustrated by the statement of the fact that in the Sixth Congress, which convened December 2, 1799, and expired March 3, 1801, with sixteen (16) States in the Union, having one hundred and forty-one Representatives in the House (one for every 33,000 inhabitants), there were 298 bills introduced and reported, and 347 petitions presented, while in the Forty-fifth Congress, which convened October 15, 1877, and expired March 3, 1879, with thirty-eight (38) States in the Union, having two hundred and ninety-three (293) Representatives in the House (one for every 133,000 inhabitants), there were 6,579 bills introduced and reported, and 10,467 petitions presented.

The committee determined at the very threshold of their labors—it being, indeed, the first conclusion reached by them—that their reported revision should be the unanimous action and agreement of the committee, leaving intact only such rules as the committee could not agree unanimously to adopt or amend, reserving, however, to each member of the committee, the right, individually, to offer such admendments as he might, on further consideration of the subject, deem proper or desirable; and the accompanying proposed code of standing rules for conducting business in the House of Representatives is, therefore, the unanimous report of the Committee on Rules.

In submitting the same, it is proper to remark that the rights and privileges of the political minority of the House have in no respect been restricted or abridged therein, and that political or partisan considerations never entered into or disturbed its deliberations, or once divided the committee in respect to a single item or paragraph.

The objective point with the committee was to secure accuracy in business, economy of time, order, uniformity and impartiality, and to prepare, if possible, a simple, concise, and non-partisan code of rules, which should neither surrender the right of a majority to control and dispose of the business for which it is held responsible, or, on the other hand, to invade and restrict the powers of a minority to check temporarily, if not permanently, the action of a majority believed to be improper or unconstitutional, and to attain, if possible, the great underlying principle of all the rules and forms by which the business of a legislative assembly is governed, whether constitutional, legal, or parliamentary in their origin, viz, "to subserve the will of the assembly rather than to restrain it, to facilitate and not to obstruct the expression of its deliberate sense."

As a second conclusion the committee decided to arrange the proposed rules in such order as would make their connection and subject correspond, as nearly as practicable, consolidating in one rule the various provisions relating to the same subject, now embraced in several rules scattered about without regard to uniformity or system; and the order in which they have been arranged is as follows, viz:

1. DUTIES OF THE SPEAKER;
2. ELECTION OF OFFICERS;
3. DUTIES OF THE CLERK;
4. DUTIES OF THE SERGEANT-AT-ARMS;
5. DUTIES OF DOORKEEPER;
6. DUTIES OF POSTMASTER;
7. DUTIES OF CHAPLAIN;
8. OF THE MEMBERS;
9. QUESTIONS OF PRIVILEGE;
10. OF COMMITTEES;
11. POWERS AND DUTIES OF COMMITTEES;
12. DELEGATES;
13. CALENDARS;
14. DECORUM AND DEBATE;
15. CALLS OF THE ROLL AND HOUSE;
16. ON MOTIONS—THEIR PRECEDENCE;
17. PREVIOUS QUESTION;
18. RECONSIDERATION;
19. OF AMENDMENTS;
20. OF AMENDMENTS OF THE SENATE;
21. ON BILLS;
22. OF PETITIONS AND MEMORIALS:
23. OF COMMITTEES OF THE WHOLE HOUSE;
24. ORDER OF BUSINESS;
25. MISCELLANEOUS RULES.

As a necessary sequence of this action the next conclusion of the committee was that each distinctive subject should, so far as practicable, be disposed of in one rule, with subdivisions in the nature of clauses, to be numbered, respectively, 1, 2, 3, &c., the rule itself being designated by Roman numerals, as for instance, "Clause 1, Rule V, or Clause 5, Rule III," and so known and described in the proceedings of the House, thereby preserving that feature of the rules which treats each item of the general appropriation and tariff bills as clauses, and also the principle of rule 46 relating to division of a question, which may be briefly stated as follows, viz: that a question may be divided upon the demand of any member whenever it shall comprehend propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the House. This plan has enabled the committee to reduce the rules from 166, their present number, to 45 without, it is believed, in the slightest degree sacrificing the qualities of clearness and conciseness, to secure so large a reduction of quantity or volume, and will enable members to readily refer, not only to a particular provision of any rule, but to everything connected directly with the matter sought for.

With this preliminary statement of the general plan on which the committee proceeded, the disposition made in the revision reported, of each of the present rules of the House, will now be given, with such explanation as may be deemed necessary and proper.

TOUCHING THE DUTY OF THE SPEAKER.

Under the head of "Touching the duty of the Speaker" are now grouped nine rules which are consolidated into and appear as Rule I in the revision, as follows, viz:

Rule 1, as clause 1.

Rule 2, as clauses 2 and 4.

Rule 3, as first part of clause 5.

Rule 4, as last part of clause 5.

Rule 5 incorporated in clauses 1, 3, and 7.

Rule 6 is incorporated with rule 155, and, as amended, transferred to the rules under the head of "Miscellaneous," and appears as Rule XXIII.

Rule 7 appears as clause 6.

Rule 8 is divided, the first portion of the same appearing as clause 4, new rule I, and the last portion transferred to and appearing in clause 3, new rule III.

Rule 9 appears as clause 2.

No substantial or important changes have been made in these rules. They have simply been abbreviated, rearranged, and consolidated.

OF THE CLERK AND OTHER OFFICERS.

Under this head are grouped rules from 10 to 28, inclusive, providing for the election and prescribing the duties of the various officers of the House. These have been reduced to four in number, and appear as follows, viz:

Rule 10, which provides for the election of a Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, has been retained with amendments, one striking out the word "appointed" and inserting in lieu thereof the word "chosen," another inserting the word "Chaplain," who has hitherto been elected as a matter of custom, which the committee deem proper to crystallize into a rule, and a third striking out the words "and the appointees of the Doorkeeper and Postmaster shall be subject to the approval of the Speaker." Whatever may have been the occasion of this provision it has long been obsolete, and for that reason the committee recommend that it be dropped. A clause is also added authorizing each of the above-named officers to appoint all of the employés of his department provided for by law, there being no provision either of law or rule in this respect. Relating as it does directly to the organization of the House, the rule has been adopted by the committee as rule II.

Rule 11 has been dropped, being both obsolete and unnecessary.

Rule 12 has been retained intact and transferred under the head of "Miscellaneous" rules. It there appears as rule XL.

Rules 13 and 19, appear as clause 2, rule III.

Rules 14, 15, 16, 17, 18, and 21, as clause 3, rule III.

Rule 20 has been dropped, the subject-matter being provided for by law. (See act of June 20, 1874, which imposes on the Secretary of State the duty of preparing an index to the acts passed each session.)

Rule 22 appears in clause 1, rule IV.

Rule 23 appears as clause 2, same rule.

Rule 24 is dropped, for the reason that by the act of June 20, 1874, R. S., sec. 53, it is provided that the Sergeant-at-Arms shall receive, directly or indirectly, no fees, other compensation, or emolument whatsoever, for performing the duties of his office or in connection therewith.

Rule 25 is incorporated in new rule IV, and appears as last part of clause 1.

Rule 26, as amended, appears as clause 3, rule IV. The principal changes made are: 1st, the amendment requiring the Sergeant-at-Arms to attend in person the House during its sittings; 2d, the amendment increasing his bond from ten, the present limit, to fifty thousand dollars; 3d, the amendment making him and his bondsmen responsible for the moneys received by him for disbursement of expenses of select committees; and, 4th, the amendment providing that no member of Congress shall be accepted as bondsman.

Rule 27 appears as new rule V, with the addition of rule 166, as the duties prescribed therein more properly belong to the Doorkeeper, and have been so transferred.

Rule 28 appears as rule VI, with the additional requirement that the Postmaster shall be held responsible for the safe delivery of mail to members, officers, and employés of the House.

An additional rule has been created, numbered VII, requiring the Chaplain to attend at the commencement of each day's session, and open the same with prayer.

OF THE MEMBERS.

Under this head are grouped rules from 29 to 33, inclusive. These have been consolidated, save one, and appear as amended as new rule VIII, as follows:

Rules 29, 30, 31, and 33 have been substantially incorporated in the proposed rule VIII, clause 1.

Rule 32 has been transferred, and appears in clause 1, rule XXII.

The principal changes made under this head are as follows:

1st. The committee propose a second call of the roll, when the names of those not voting on the first are again called over, and after that is completed no member shall be allowed to vote.

2d. That no member outside the railing inclosing the seats shall be counted; and

3d. That pairs shall not hereafter be announced by members, but that after the completion of the second roll-call the Clerk shall read a list of pairs handed him by members, which list shall be printed in the Congressional Record following the names of those not voting, which last provision appears as clause 2, rule VIII.

The committee believe that these changes will not only greatly facilitate the calling of the roll, which now occupies half an hour, but that it will insure greater accuracy, a matter of the first importance when the House is closely divided politically.

OF CALLS OF THE HOUSE.

Under this head appear rules 34 to 37 inclusive. These have been consolidated into one rule and numbered XV, and appear as follows, viz:

Rule 34 appears as clause 2.

Rule 35, as clause 1.

Rule 36, as clause 2.

Rule 37, as the last part of clause 2.

The principal changes herein made provide for a second call of the roll, and drop what may be termed the penalty system for absenteeism. Sections 40 and 41 of the Revised Statutes provide for a deduction of pay of a member for absence without leave, and section 53 provides that the Sergeant-at-Arms shall receive no fees whatever for performing the duties of his office or in connection therewith. The rule has been for many years a dead letter, and for that reason the committee recommend that it be dropped entirely.

ON MOTIONS, THEIR PRECEDENCE, &C.

Under the above head are rules 38 to 50 inclusive. The committee consolidate these into one rule, numbered XVI, composed of eight clauses:

Rule 38 appears in clauses 1 and 2.

Rule 39 appears in the same clauses.

Rule 40, as clause 2.

Rule 41, as clause 3.

Rule 42, as clause 4.

Rule 43, has been transferred to another rule, and appears as clause 2, Rule XIII.

Rule 44, as clause 5.

Rule 45, as the last part of clause 5.

Rule 46, as clauses 6 and 7, rule XVI.

Rule 47 has been dropped as both obsolete and unnecessary, being otherwise provided for in the present and proposed rules.

Rule 48. The last portion of rule 48, to wit, "No bill or resolution shall, at any time, be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House," was adopted September 15, 1837 (first session Twenty-fifth Congress). As then reported by the Committee on Rules, it contained after the word resolution, where it occurs the second time, the words "the substance of." These words were stricken out by a close vote, and the practice of the House has since permitted the *substance* of any bill or resolution pending before the House to be offered as an amendment or substitute for the pending proposition.

The committee believe the correct principle to be the proposition reported by the Committee on Rules in the Twenty-fifth Congress, excluding an amendment which contained the substance of any other bill or resolution pending before the House. The rules and practice of the House of Commons, from which this proposition was substantially taken, restricted the right of substituting one subject for another to motions for reading (that is, of proceeding to the consideration of) the orders of the day, thus giving the House an opportunity to select the particular subject it would first consider, and preventing the practical inconvenience that would result from public business being obstructed by substantive motions which had no connection with the orders of the day. Under the present rule "a bill or resolution pending before the House" may be moved as an amendment to a pending proposition, if germane, by simply changing a word or two in no sense important or material, thereby accomplishing indirectly what the rules prohibit doing directly, a species of parliamentary legerdemain that certainly ought not to be countenanced or permitted by a rule.

Rule 49 has been retained substantially intact. A proviso has been added that a motion to reconsider made during the last six days of a session shall be disposed of when made, thus placing it beyond the power of a single member, voting with the prevailing side for the purpose of placing himself in a situation to make the motion, to arrest business which a majority have decided to dispatch.

Rule 50 has been dropped as unnecessary, being otherwise provided for by way of amendment.

The principal changes recommended by the committee with respect to the foregoing rules are as follows:

1st. The order of motions has been changed by making the motion to fix the day to which the House shall adjourn first in order, thereby conforming to the practice of the House since the Twenty-ninth Congress, by the addition of a motion for a recess next in order to a motion to adjourn, and by making the demand for the previous question non-debatable, which is a transfer of the first clause of rule 133.

The order of reference of a subject has been changed so as to provide that the question of reference of any proposition offered by a member shall be put *first* to a standing committee and *second* to a select committee, while the order of reference of a proposition reported by a committee shall be put in the same order as now provided in rule 43.

This change will secure the preliminary consideration by a standing or select committee of the House of all matters of proposed legislation, as provided in the first paragraph of rule XI.

The hour of actual adjournment is hereafter to be entered on the journal instead of the hour at which the motion is made, thus preventing the anomaly of the Journal stating a motion of adjournment at, say, 3 p. m., while proceedings might be (and indeed have been) had, delaying actual adjournment for two hours.

ORDER OF BUSINESS OF THE DAY.

Under this head now appear rules from 51 to 56, inclusive, while another rule, 130, which properly belongs to this subject, appears under another head. The above rules have been grouped and consolidated into one, and appear in the revision as rule XXIV, as follows, viz:

Rule 51, providing for and regulating the call of committees, appears as clause 2, or so much thereof as is essential to the plan proposed by the committee, hereafter explained.

Rule 52 is substantially provided for by the last paragraph of clause 2, the contingency therein provided for being rare, and at best of doubtful propriety as a matter of practice.

Rule 53 has been dropped, being otherwise provided for in clause 1.

Rule 54, regulating the disposition of business on the Speaker's table, is embraced in clause 5, without substantial change.

Rule 55 is dropped, being otherwise provided for by present rule 145 and proposed rule XXVIII.

Rule 56 appears as clause 4, without change, except that it is slightly condensed.

The present order of business, under the practice, has become somewhat cumbrous, and, besides possessing an element of uncertainty as to the time of transacting the business therein provided for, is in some respects so incongruous as to lead to confusion, and in some instances to errors, as to the exact status of business.

In the revision submitted by the committee it is proposed to have a daily call of all the committees, all business reported, save that to which no objection is made to its "present consideration," to go to the Committee of the Whole House, whether public or private, and to a House Calendar composed only of bills not making appropriations of money.

This plan secures two desirable objects, viz:

1st. The printing of all bills and accompanying reports, thus giv-

ing time for their examination by members before consideration; and

2d. Saves unnecessary waste of time in preventing, by what is known as "filibustering" in the morning hour, the consideration of a bill reported by a committee, thus blocking the way against reports from other committees to which little or no objection would be made.

Numerous instances might be cited, during the past few years, where the "morning hour" has been consumed by dilatory motions for days and even weeks, thus making it possible at the close of a session to defeat action on an important bill, which could only be reported by unanimous consent or by a suspension of the rules by a two-thirds vote, which vote might not be obtained.

The change made as to the time of disposing of business on the Speaker's table so as to immediately follow the disposition of the unfinished business pending at the last adjournment is really not a departure from the present rule and practice as to that class of business, but rather a transfer of the unfinished business from its present rank of being first in order after the reading of the Journal to follow the call of committees, which plan the committee believe will be found more satisfactory than the present practice.

The committee then provide that after unfinished business—if there be any—and business on Speaker's table is disposed of, motions shall then be in order as follows, viz:

1st. To go into the Committee of the Whole House on the state of the Union for the consideration, first, of bills raising revenue and general appropriation bills, and then to other business on its calendar.

2d. To proceed to the consideration of the House calendar of public bills not appropriating money or raising revenue.

3d. On Friday, after the morning hour, a motion to go into the Committee of the Whole House for the consideration of the private calendar.

The committee believe this plan will be found more satisfactory than the present order of business, as it gives precedence in each day's sitting of the House and Committee of the Whole House to business of a necessary public character, and enables the committees to promptly report on all matters which they have matured or agreed upon.

OF DECORUM AND DEBATE.

Under this head are rules from 57 to 66, inclusive, which have been consolidated into one (No. XIV), and are disposed of as follows, viz:

Rule 57 appears as clause 1.

Rule 58 as the last part of clause 1.

Rule 59 as the first part of clause 2.

Rule 60 as clauses 2 and 3 of rule XIV, and clauses 5 and 6 of new rule XXIII.

Rule 61 as clause 4, rule XIV.

Rule 62 as clause 5.

Rule 63 as clause 6.

Rule 64 has been dropped as obsolete.

Rule 65 appears as clause 7.

Rule 66 has been retained with a slight amendment making the rule more definite, and appears as rule XXV.

There have been few changes of importance made in this group of rules. They have been greatly condensed as well as simplified, and have been adapted to the later practice of the House, which, by reason of the greatly increased representation, as well as amount of business transacted, is essentially different from that in vogue when most of these rules were adopted. It was not until 1847 that the House took a decided step toward abridging or restricting debate, the representation having increased from 141 in 1800 to 223 in 1847, and from that time the tendency has been, without exception, to restrict rather than to enlarge or extend the limits of debate, and this remark applies also to the Committee of the Whole House on the state of the Union.

On the 19th of March, 1860, the House adopted an amendment providing that debate might be closed at any time after the five minutes' debate on proposed amendments had taken place, thus enabling a majority to get a bill out of the Committee of the Whole House on the state of the Union, after a reasonable time had been occupied in debating amendments. This was adopted at the same time with an amendment to the present 123d rule, the effect of which was to prevent a practice of doubtful propriety, by which the friends of a bill were in the habit of taking it out of the Committee of the Whole by adopting a recommendation to strike out the enacting clause without permitting either debate or amendment, and upon reaching the House to disagree to the said recommendation, and then, under the operation of the previous question, passing the bill. The main provisions of the present rule have been retained, with slight modifications.

OF COMMITTEES.

Under the subhead "Of committees," commencing with rule 67, and ending with rule 103, are thirty-seven rules, while under the head of "Miscellaneous" are seven rules, numbered respectively 148, 150, 151, 152, 153, 156, and 160, prescribing the duties of committees created since January 21, 1864, save one rule (151), which further prescribes the duties of the Committee of Ways and Means.

All these rules are consolidated and combined in two, numbered respectively X and XI, which embrace and cover all the matters of powers and duties of the several standing and joint committees of the House, as will hereafter appear in detail. The titles of the several committees have been made uniform, all being in the revision submitted "Committee on," four of the present titles being "Committee *of*," viz: Elections, Ways and Means, Claims, and Accounts, and one being "Committee *for* the District of Columbia."

The arrangement or order of call of committees is also slightly changed, the proposed order being arranged with general reference to the amount, character, and importance of the business referred to or reported by the several committees, preference being given to those committees having exclusively the consideration of public business. The position of a committee in regard to the call of committees is, however, under the plan submitted in the new rule, which contemplates a daily call of all the committees, a matter of but slight importance. All business, except that to the consideration of which there is no objection, when reported, is to be referred to a calendar or to the Committee of the Whole House, all committees thus being placed on an absolute equality, save that the Committees of Elections, Ways and Means, Appropriations, Printing, Accounts, and Enrolled Bills shall have the right to report at any time, as provided in clause 47 of rule XI.

Rule 67, as originally adopted April 17, 1789, directed that the Speaker should appoint all the committees, except in cases where they consisted of more than three members, in which case they were chosen by ballot. On the 13th of January, 1790, it was changed to its present form, though the method of selecting committees therein prescribed has not been resorted to for many years past, it having been the practice until the Thirty-sixth Congress for the House to adopt an order "that the Speaker be authorized to appoint the regular standing committees."

The Committee on Rules have accepted the later practice of the House, and in the first clause of rule X provide for the appointment by the Speaker, at the commencement of each Congress, of the standing committees of the House, unless otherwise specially ordered by the House.

Rule 68 has been left intact, and appears as clause 3, rule X.

Rules 69, 70, 71, and 72 have been dropped, for the reason that they are either obsolete by long practice, unnecessary, or otherwise provided for.

Rule 73 is incorporated in rule X, and appears as clause 4.

Rule 74 is also incorporated in rule X, and appears in clause 1.

Rule 75 appears as clause 1, rule XI.

Rules 76 and 77, which prescribe and define the duties and powers of the Committee on Appropriations, are consolidated, and appear as clause 3, rule XI. It is believed that the same fully embraces and comprehends all that is essential in the two rules named. The last portion of rule 76, relating to appropriations to carry into effect treaties, is dropped as unnecessary, as providing for an extraordinary contingency, which can be best provided for by special action when the occasion should arise. The first clause of rule 77 is dropped, for the reason that it has been obsolete for the last twenty years, and the time of reporting the general appropriation bills may properly be left to the discretion of the committee, which may be instructed by the House in that regard should occasion arise therefor.

The second clause of the same rule has been dropped (for the reason that the titles of the general appropriation bills are fixed by law, see Revised Statutes, sec. 11), except the concluding portion, giving the committee the right to report for commitment at any time. The last clause of the same rule is dropped, for the reason that it is a detail which ought properly to be left to the discretion of the committee.

Rule 78 appears as clause 27, rule XI, and has been made more definite.

Rule 79 appears as clause 7 of rule XI, with the additional provision that the Committee on Commerce shall mature and report the bill known as the "river and harbor bill," for reference to the Committee on Appropriations.

The committee deem it proper to present fully the reasons which influence them to make this recommendation, but will do so as concisely as possible.

The "river and harbor" appropriation bill, although not one of the "general appropriation" bills (see rule 77), has for many years past been one of the regular annual appropriation bills, and has been usually reported by the Committee on Commerce. Prior to and during the late war the Committee of Ways and Means reported all the general appropriation bills. On the 2d of March, 1865 (2d sess. 38th Congress), the Committee on Appropriations was created, and by rules 76 and 77 their powers and duties were prescribed.

The authority of the Committee of Ways and Means to report a general appropriation bill at any time, conferred on the 19th of March, 1860, was transferred to the Committee on Appropriations at the time the committee was created, and the latter committee was also clothed with all the powers and privileges with respect to general appropriation bills possessed by the former. Up to that time no general river and harbor appropriation bill had ever been reported by the Committee of Ways and Means, although it had reported in a

sporadic way bills for the repair, preservation, completion, or construction of certain public works on rivers and harbors.

In the Fortieth Congress, as appears from the statement of Mr. Dawes, on the 8th of February, 1873 (3d sess. 42d Congress), the Committee on Appropriations, being busily engaged with other matters, permitted the Committee on Commerce to originate and report the river and harbor appropriation bill, and, by an arrangement made in a conference between Mr. Dawes, representing the Committee on Appropriations, and the Committee on Commerce, the latter committee was permitted to prepare and report the said bill for reference to the Committee on Appropriations, which committee agreed, after consideration, to report it back to the House with such recommendations as they believed the general expenditures of the country required them to make, and that course has several times been pursued since that agreement, although it is true that during the preceding two Congresses (44th and 45th) the Committee on Commerce has exclusively had control and charge of the river and harbor bill.

The Committee on Rules are of opinion, in consideration of the fact that the Committee on Appropriations are required under the rules "to report the general appropriation bills" (in which class the river and harbor appropriation bill should, by reason of long custom and practice, be included), that they should have entire charge of *all* those bills, in order that they might the more fairly and fully control the entire question of appropriation of revenue for carrying on the several departments of the Government. It follows as a logical sequence that, if any other committee is to take charge of *one* of the general appropriation bills, the interest therein involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.

For these reasons the Committee on Rules have made the foregoing recommendations with respect to the river and harbor bill, believing that no good or valid reason exists why the Committee on Commerce should originate and have complete control of the river and harbor bill that does not apply with equal force to the theory that the Committee on Military Affairs should originate and control the Army, the Committee on Naval Affairs the Naval, the Committee on Indian Affairs the Indian, the Committee on Post-Office and Post-Roads the Post-Office, the Committee on Foreign Affairs the Consular and Diplomatic, or the Committee on Invalid Pensions the pension appropriation bill.

Rule 80 appears as clause 13, Rule XI.

Rule 81, as clause 12.

Rule 82, as clause 30.

It will be noted that the committee propose to abolish what is generally known as "District of Columbia day," viz, the third Monday of each month from the hour of two o'clock p. m., and place the Committee on the District of Columbia on precisely the same footing as other committees. The purpose of the Committee on Rules was to secure as complete uniformity and equality among the committees as was possible, giving preference only to revenue and general appropriation bills and to necessary business—such, for instance, as printing for the use of the House or two Houses, perfection of legislation by permitting the Committee on Enrolled Bills to report at any time, and also giving the same privilege to the Committee on Accounts, which is proper, as directly concerning and affecting the autonomy of the House. The committee are of opinion that the proposed abolition of "District of Columbia day" will not result in the least degree to the prejudice of the interests of the District or obstruct or retard the business reported from the Committee on the District of Columbia. It simply gives that committee the same opportunity to reach business reported by it that it affords all the committees, and instead of having only a part of one day in each month, as at present, it will by this plan have a chance to reach its business on at least four days out of a "possible five."

Rule 83, as clause 4.

Rule 84, as clause 28.

Rule 85 has been dropped entirely, for the reason that the Committees on Expenditures in the several Departments are separately required to do with the accounts and expenditures of each Department what the Committee on Public Expenditures is required to do with all. It follows, of course, without argument, that the last-named committee cannot "examine into the state of the several public Departments" as thoroughly as a committee appointed specially and solely to examine into the "accounts and expenditures" of a particular Department, and for this reason, as well as to avoid unnecessary labor as well as possible conflict of authority, the committee recommend that after the present Congress the said committee shall not be again appointed.

Rule 86 appears as clause 29.

Rule 87, as clause 10.

Rule 88, as clause 23.

Rule 89, as clause 11.

Rule 90, as clause 9.

Rule 91, as clause 15.

Rule 92 has been changed by dropping the title of Revolutionary Pensions, and creating in lieu thereof the Committee on Pensions, and giving it jurisdiction of pensions of all the wars of the United States other than of the late civil war. It appears as clause 26.

Rule 93 appears as clause 25.

Rule 94, as clause 16.

Rule 95, as clause 24.

Rule 96, as clause 19.

Rule 97, which formerly prescribed the duty of the Committee of Revisal and Unfinished Business, was virtually rescinded by the resolution of July 25, 1868, abolishing the said committee and creating the Committee on the Revision of the Laws.

The first-named committee was created by resolution of December 14, 1795 (second session, Third Congress), as follows, viz:

"It shall be the duty of the Committee of Revisal and Unfinished Business to examine and report what laws have expired or are near expiring and require to be revised or further continued; also to examine and report from the Journal of last session all such matters as were then depending and undetermined."

On the 25th of July 1868 (second session Fortieth Congress), Mr. Elihu B. Washburne, from the Committee on Rules, reported the following resolution, viz:

"*Resolved*, That the rules be amended so as to provide for the appointment at the commencement of the next session, and at the commencement of each Congress thereafter, of a standing committee on the revision of the laws, to consist of nine members, and that so much of the rules as provides for a committee of revisal and unfinished business is hereby rescinded." This rule was adopted without division.

This change was made in anticipation of the report to Congress of the commissioners appointed under the act of June 27, 1866, "to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time such commissioners shall make the final report of their doings."

By the act of May 4, 1870, the above-named act was revived and extended for three years, and was again extended by the act of March 3, 1873; and under authority of the last-named act Mr. Butler, from the joint committee appointed thereunder to provide for the preparation and presentation to Congress of the revision of the laws of the United States, on the 11th of December, 1873, (first session Forty-third Congress), submitted a printed report, which was referred to the Committee on the Revision of the Laws.

That committee, on the 14th of January, 1874, by Mr. Poland, its chairman, submitted a report, which was considered from day to day until April 2, 1874, which finally became a law on the 22d of June, 1874.

It was the evident purpose of the Committee on Rules which reported the resolution of July 25, 1868, abolishing the Committee on Revisal and Unfinished Business and creating the Committee on Revision of the Laws, to restrict that committee to take charge of and report upon such revisions and compilations of the laws as did not require changes in jurisprudence.

At the time the committee on revisal and unfinished business was created there were but two standing committees of the House, viz, Claims and Commerce, the practice then being to create select committees, to whom were referred the President's messages and such general subjects of legislation as might be proposed from time to time. From January 7, 1802 (first session Seventh Congress), the date of the appointment of the Committee of Ways and Means as a standing committee, to the present time, additional standing committees have been created, until there are now forty-five standing committees, whose duties and powers are specifically described and defined, and which embrace and cover all the duties imposed on the committee on revisal and unfinished business.

The rseolution which created the committee does not designate or specify its duties, indeed none whatever were prescribed, but its title was supposed to sufficiently define the same, especially as the commission appointed under the act of June 27, 1866, was expected to report during the following Congress.

It may further be added that the rule prescribing the duties and defining the powers of the Committee on the Judiciary would, under the well-known rule of law that the specification of one power excludes another, exclude the claim of any other committee to jurisdiction of any "matters or things touching judicial proceedings."

For these reasons the committee recommend that the duties of that committee be limited to the revision and codification of the Statutes of the United States, the duty of the Committee on the Judiciary being to consider "subjects relating to judicial proceedings, civil and criminal law."

Rule 98 appears as clause 42.

Rule 99, as clause 43.

Rule 100, as clause 45.

Rule 101 has been modified, the first clause being retained for manifest reasons, the Committee on Enrolled Bills having nothing but completed legislation to report, and the right of the Committee on Printing to report at any time being confined to printing for the use of the House on the two Houses by a subsequent rule.

Rule 102 has been incorporated in rule XI, and appears as clauses 33, 34, 35, 36, 37, 38, and 39.

Rule 103, which prescribes and defines the duties of the commit-

tees named in the preceding rule, appears as clause 32, rule XI, and is believed to therein embrace and cover all the essential points of the old rule.

OF COMMITTEES OF THE WHOLE.

Under this head are grouped rules 104 to 114, inclusive, which have been consolidated into one rule, and appear as rule XXIII.

Rule 104 has been dropped, being substantially provided for in clause 6, rule XXIV, and clause 3, rule XXIII. The first part of this rule is inconsistent with the present rule providing that the morning hour shall only be dispensed with by a two-thirds vote.

Rule 105 appears as clause 1.

Rule 106, as clause 2.

Rule 107 has been dropped as obsolete. It was adopted in 1789 at a time when all bills were in manuscript, and not printed as at present.

Rules 108 and 109 have also been dropped as obsolete, and being otherwise provided for.

Rule 110 appears in clause 3.

Rule 111 has been dropped as obsolete and unnecessary.

Rule 112 appears in clause 3, with the addition of the words, "or releasing any liability to the United States for money or property," which is designed to cover a class of legislation hitherto not required to be first considered in the Committee of the Whole House.

Rule 113 appears as clause 8, with the exception of the last portion relating to debate, which has been dropped.

Rule 114 appears as clause 4, in connection with rule 129, which has been consolidated with it.

The committee propose that when a bill is reached on the calendar of the Committee of the Whole House on the state of the Union, and objection is made to its consideration, the House shall decide whether or not the bill shall be passed over, instead of the committee deciding that question, as the rule now provides. When a bill is reported from a standing or select committee of the House and committed to the Committee of the Whole House, it is thereby given a position on the calendar entitling it to precedence over business reported later by other committees, and ought not to be displaced therefrom except by the House which fixed that position. Such, indeed, is the rule of the House now, as will appear by reference to rule 116, which requires that all "bills shall be dispatched in order as they were introduced, unless where the *House* shall direct otherwise."

The committee believe that this change will expedite business, save the large amount of time now wasted in struggles to secure precedence of a particular bill, and give to the friends of each bill on the calendar an opportunity to test the sense of the House as to whether or not it shall be taken up for consideration in its order. The committee cannot better illustrate the importance of securing a uniformity of proceeding in business than by quoting what Mr. Jefferson says on this point, viz: "A settled order of business is, however, necessary for the government of the presiding officer and to restrain individual members from calling up favorite measures or matters under their special patronage out of their just turn. It is useful also for directing the discretion of the House when they are moved to take up a particular matter to the prejudice of others having priority of right to their attention in the general order of business."

By clause 6, rule XXIV, preference is given to bills raising revenue and general appropriation bills over other business. The last clause of rule 114 has been dropped, for the reason that if the calendar be proceeded with in order, there will be little or no occasion to make a bill a "special order."

In the Committee of the Whole House it is proposed that bills on the private calendar shall be taken up in order and disposed of. No good reason appears to the committee why the present artificial distinction should be kept up with respect to bills on the private calendar. The bills thereon are reported from at least two-thirds of the committees of the House, and the distinction of "objection" and "consideration" days now existing creates an inequality that has often worked great injustice to equally deserving claimants. It is at least a doubtful question whether one member should possess the power by his single objection to nullify, even temporarily, the recommendation of a standing committee of the House which has perhaps unanimously reported the bill to which objection is made. If a member is in possession of information in regard to a private bill which convinces him that it ought not to pass, he will have opportunity during its consideration to impart that information to the Committee of the Whole House, where the debate is rarely restricted. The fact that it has been favorably reported by a committee, which it is presumed has carefully and thoroughly examined the whole subject, certainly gives to the bill at least what may be termed the *prima facie* right of consideration, and for this reason the committee propose that where objection is made to the consideration of a public bill the question shall be decided by the House without debate. Finally, it may be urged that there can be no good reason for perpetuating a system which, in addition to facilitating the passage of certain bills solely by reason of their accidental position on the calendar, creates confusion and leads to errors in the consideration of the private calendar. For these reasons the committee recommend the incorporation of rule 129 with the present rule 114, and as amended they appear as clause 4, rule XXIII.

OF BILLS.

Under this head are now grouped rules from 115 to 127, inclusive. The committee have consolidated them into one rule, numbered XXI, and they appear as follows: Rules 115, 116, 117, and 118 are incorporated in clauses 1 and 2 of rule XXI, and clause 1 of rule XXIV.

Rule 119 has been dropped, for the reason that general appropriation bills have been, with bills for raising revenue, constituted a class and given preference in the order of business, and making any of them a special order would in no respect facilitate their consideration and disposition.

Rule 120 has been retained intact, the committee not being unanimous as to its amendment.

Rule 121 has been dropped as unnecessary, being substantialiy provided for by another rule. (See clause 6, rule XVI.)

Rule 122 has been dropped as obsolete and being provided for by law.

Rule 123 is retained intact.

Rule 124 is dropped as unnecessary, being otherwise provided for. See clause 4, rule XVI, fixing order of motions.

Rule 125 is also dropped as unnecessary, it being a reasonable supposition that the Clerk of the House would, without specific requirement to that effect, see that all bills passed by the House were properly engrossed, a matter of far less importance than their correct enrollment in a "plain, round hand," for which no provision is made.

Rule 126 is also dropped as unnecessary, being otherwise provided for. (See clause 1, rule XVII.)

Rule 127 appears as clause 3, rule III.

LOCAL OR PRIVATE BUSINESS.

Under this head are two rules, viz, 128 and 129, which have been disposed of as follows, viz:

Rule 128 is retained intact and appears as rule XXVI.

Rule 129 is dropped, for reasons stated in regard to the disposition of rule 114.

OF BILLS ON LEAVE AND RESOLUTIONS.

Under this head appears but one rule (130), although it may be said to really comprehend three distinct propositions and subjects. In the revision it has been transferred to and incorporated with the rules under the head of "ORDER OF BUSINESS," where it properly belongs. The provisions of the present rule have been retained, save that portion of the rule first adopted in 1838, providing for the consideration of resolutions introduced on the call of States. The committee have so framed the revision submitted as to secure the consideration by a standing or select committee of *every* proposition presented to the House, save such as are submitted under a suspension of the rules, and have accordingly dropped that portion of the rule which permits a resolution to be submitted on the second call of States, and, by securing the previous question, without permitting debate or amendment, bring the House to a direct vote thereon, thus avoiding the necessity of its lying over, as would be the case if debate should arise thereon. The order of the call of States has been arranged alphabetically, there now being no rule or provision on the subject. Another rule (52) provides that in the morning hour, after reports of committees have been "presented and disposed of," the Speaker "shall call for resolutions from the Members of each State and Delegate from each Territory, *beginning with Maine* and the Territory last organized, alternately."

This rule was adopted January 14, 1829 (2d session 20th Congress), while the first part of rule 130, providing for a call of States and Territories for "bills on leave," was not adopted until February 6, 1838 (2d session 25th Congress), and without any rule to that effect, the order of the call of States and Territories for resolutions was followed, except the feature or provision of alternation between "Maine and the Territory last organized." At the time of the adoption of this rule Maine was next to the last State admitted to the Union. The Territory of Michigan was then the "Territory last organized," and this rule was probably adopted with the view of affording the amplest opportunity for the Representatives of the youngest States and Territories to present the wants and wishes of their people, it then being in order to present a bill (due notice having been given thereof, as provided in rule 115) on the call of States for resolutions.

As there has been no restriction on the introduction of bills for many years, and as all bills introduced under this call are "referred, without debate, to appropriate committees," the initial point of the call becomes a matter of slight importance, and the committee have accordingly provided that the States shall be called alphabetically, as the names of members are, by rule 35 (adopted April 7, 1879), required to be called, thus making the rules uniform and harmonious in this respect.

OF PETITIONS AND MEMORIALS.

Under this head but one rule (131) appears, and the only change made therein is to provide that the Clerk who has entire custody of

the petitions and memorials presented under the rule, and who is required to make a list of the same for publication in the Journal, shall furnish a transcript thereof to the official reporters of debates for publication in the Record, and also providing that all petitions and memorials inappropriately referred may be properly referred by the committee having possession of the same in the same manner as originally presented.

The last clause of rule 165 requires the official reporters "to prepare a list of the memorials, petitions, and other papers, with their reference, presented under rule 131, without requiring a brief statement of their contents, as the last-named rule is construed to require. The committee were of opinion that a transcript of the Journal entries as to petitions and memorials furnished for publication in the Record would secure greater uniformity and better methodize their disposition, and accordingly recommend the changes proposed. It appears as rule XXII.

OF THE PREVIOUS QUESTION.

Under this head appear two rules, viz, 132 and 133, which, as amended, appear as rule XVII, clauses 1, 2, and 3.

The committee are of opinion that the operation of the previous question should be modified in one respect, viz, that it should not be so sweeping and comprehensive as at present; and they accordingly recommend that its effect shall be to bring the House to a direct vote upon the immediate question or questions on which it has been ordered. It is therefore proposed that the previous question may be asked and ordered upon a single motion, a series of motions in order under the rules, an amendment or amendments, or may be made to embrace all authorized motions or amendments, and its effect shall be to carry the bill to its engrossment and third reading, and then, on renewal, to its passage or rejection. The committee also propose that, pending a motion for or after the previous question has been ordered on the passage of a bill, it shall be in order for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee, thus affording the amplest opportunity to test the sense of the House as to whether or not the bill is in the exact form it desires.

As pertinent to the subject the committee append a statement of the history of the previous question.

The previous question was recognized in the rules established April 7, 1789, and could be demanded by five members (the parliamentary law places it in the power of two members—one to move, the other to second). On the 23d December, 1811, it was placed on a footing with the yeas and nays; that is, at the command of *one-fifth of the members* present. It remained so until the 24th February, 1812, when the rule was changed to its present form of a *majority*. According to former practice, the previous question brought the House to a direct vote on the *main* question; that is, to agree to the main *proposition*, to the exclusion of all amendments and incidental motions; but on the 14th of January, 1840, it was changed to embrace, first, *pending* amendments, and then the main proposition.

The original intent of the previous question was, to ascertain the sense of the House, in the early stages of a subject, as to the propriety of entertaining the matter; and if decided affirmatively, the debate went on; if decided negatively, the debate ceased, and the subject passed from before the House without motion or further question. This was the practice in Congress under the Confederation; and it is still the practice in the British Parliament. Now, by the practice of the House, as well as by the terms of the rule, it is reversed; if the motion for the previous question is decided in the affirmative, debate ceases, and the House proceeds to vote; if in the negative, the proceedings go on as if the motion for the previous question had not been made. Until the revision of the rules in *March*, 1860, whenever the previous question was seconded and the main question ordered, pending a motion to postpone, the motion to postpone was cut off.

OF ADMISSION TO THE FLOOR.

Under this head is rule 134, which has been rearranged and made more comprehensive, and amended by adding to the list of persons to be admitted, the President, and clerks of committees, when business from their committees is under consideration. A clause has also been added making it out of order for the Speaker to entertain a request for the suspension of this rule. The committee propose, however, to set aside a portion of the west gallery for the accommodation of distinguished visitors and others to be admitted only on the cards of members. As there are only a sufficient number of seats on the floor to accommodate the members and delegates entitled to occupy them, it follows that the admission to the floor of those not entitled to its privileges will have the effect to frequently deprive members of their seats, especially those sitting on the outer circle or row, and will also add to the noise and confusion caused by private conversation and moving about of the 350 persons usually present on the floor during the sittings of the House. As the practice in regard to admission to the floor has been varying, it is deemed proper to give a *résumé* thereof

The first rule for the admission within the hall of other than members was adopted on the 7th January, 1802, and was confined to "*Senators*, officers of the General and State governments, foreign ministers, and such persons as members might introduce." On the 11th January, 1802, an attempt was made to amend so as to exclude persons "introduced by members," which failed. On the 8th November, 1804, a proposition was made to confine the privilege to *officers of Senators*, which also failed. On the 17th December, 1805, *officers of State governments* were excluded. On the 1st February, 1808, a proposition was made to admit ex-members of Congress and the judges of the Supreme Court. After a good deal of debate it was rejected. On the 11th February, 1809, the rule was enlarged so as to admit judicial officers of the United States, as also ex-members of Congress. On the 25th February, 1814, those who had been heads of departments were admitted. On the 10th February, 1815, officers who had received the thanks of Congress were included; on the 12th January, 1816, the Navy commissioners; on the 21st of February, 1816, governors of States and Territories; March 13, 1822, the President's secretary. On the 26th January, 1833, the rule was further enlarged by admitting "*such persons as the Speaker or a member might introduce*," and on the 10th December, 1833, the House, by a vote almost unanimous, rescinded that amendment. On the 23d of December, 1857, soon after removing into the new hall in the south wing of the Capitol extension, the privilege of admission was restricted to "members of the Senate, their Secretary, heads of departments, President's private secretary, the governor for the time being of any State, and judges of the Supreme Court of the United States." On the 19th of March, 1860, it was adopted in its present form, excepting the last clause, a proposition to admit ex-members having been rejected. The last clause, adopted March 2, 1865, was intended to prevent persons not entitled to the privileges of the hall from occupying the cloak and other adjoining rooms. January 29, 1878, the House adopted the following resolution, by yeas 155 to nays 92, viz: "*Resolved*, That the rule in regard to the admission of persons to the privileges of the floor be enforced, and the Speaker is requested to discontinue the practice of issuing passes, which has been indulged in by common consent." See Journal, first session Forty-fifth Congress, pp. 316, 317

As amended it appears as new rule XXXIV.

OF REPORTERS.

Under this head appears but one rule (135). It confers upon the Speaker authority to admit under certain conditions to the reporters' gallery stenographers and reporters to take down the debates. The committee recommend that the rule be abbreviated by striking out all after the word "chair," in line 3, and inserting in lieu thereof the words "under such regulations as he may from time to time prescribe." It is not the purpose of the committee to modify in any respect the requirements of the present rule, but, on the contrary, to give more authority to the Speaker respecting the reporters' gallery than the present rule confers. The words "and proceedings" have been inserted after the word "debates" in line 2, and as amended embraces, it is believed, everything essential to secure the proper disposition of seats therein and control of persons so admitted. A clause has also been added authorizing the Speaker to assign two seats on the floor to Associated Press reporters and regulate the occupation of the same, which merely embodies in a rule the resolution of the House of January 11, 1867 (second session Thirty-ninth Congress), providing that reporters of the Associated Press and reports made by them should be under the same rules and regulations as the reporters and reports of the Globe, now the Record. As amended it appears as clause 2, rule XXXVI.

UNFINISHED BUSINESS OF THE SESSION.

Under this head appears rule 136. The first part thereof was adopted March 17, 1848 (first session, Thirtieth Congress), which, on the 14th of August following, became a joint rule. The last clause was adopted March 16, 1860, prior to which date it had been the practice for the House at the close of a first session of a Congress to adopt a similar provision, and this amendment was adopted to avoid the necessity of passing a similar resolution at every session. The first clause of the rule is identical with the former 21st rule, and the second clause with the present 59th rule of the Senate. In the revision it appears as rule XXVII.

MISCELLANEOUS.

Under this head appear rules from 137 to 166, which have been severally disposed of as follows, viz:

Rule 137, providing for a secret session, has been retained, though greatly abbreviated, it being thought that occasion might arise when it would be desirable, and as modified it appears as rule XXX.

Rule 138 has been retained intact, and appears as rule XXXVII.

Rule 139 has also been dropped for the reason that the subject-matter is provided for in the present rule 100, which appears as clause 45 rule XI.

Rule 140. The first clause of this rule has been dropped for the reason that the subject-matter is provided for by law (see Revised Statutes, sections 1764 and 1765), and the last clause is retained without change, and appears as rule XLIII.

Rule 141 has been retained with an amendment, making it appli-

cable only to papers "other than one upon which the House is called to give a final vote," thus reaffirming or recognizing the right of a member to demand the reading of a paper on which he is called to vote. This is the long established rule and practice of the English parliament, and the committee quote as pertinent what is said on the subject by one of the most distinguished English writers on parliamentary law, Mr. Hatsel. He says—

"Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the table before he can be compelled to vote on them; but it is a great, though common, error to suppose he that has a right, *toties quoties*, to have acts, journals, accounts, or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put." It appears in the revision as rule XXXI.

Rule 142 has been dropped as obsolete, there being, indeed, little or no occasion for the use of the motion "to postpone indefinitely." The motion has been retained in clause 4 of rule XVI, without recommendation to the House, for the reason that the committee were not unamious in favor of its exclusion.

Rule 143 has also been dropped as being both obsolete and in contravention of other rules of later date.

Rule 144 has been retained intact, though the occasions will be rare when Jefferson's Manual can be cited on a point not provided for by a rule or decision of the House. Compiled as it was for the use of the Senate exclusively, and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives even in its early history, and for many years past has been rarely quoted in the House. It appears as rule XLIV.

Rule 145 has been substantially retained, modified, of course, so as to be in harmony with the order of business prescribed by rule XXIV, and as amended appears as rule XXVIII.

Rule 146. The first part of this rule has been dropped as unnecessary, as being fully covered by the following rule, which has been retained intact. The last part of the rule has been transferred to rule III, and appears as clause 1.

Rule 147, as above stated, has been retained intact, and appears as rule XLV.

Rule 148 appears as clause 6, rule XI.

Rule 149 has been substantially provided for by the last part of clause 2, rule VIII.

Rule 150 appears as clause 20, rule XI.

Rule 151 as clause 2, rule XI.

Rule 152 as clause 5, rule XI.

Rule 153 as clause 18, rule XI.

Rule 154 has been dropped, for the reason that by the act of February 12, 1868, the allowance for stationery and newspapers is fixed at one hundred and twenty-five dollars for each session.

Rule 155 has been substantially retained and appears as rule XXXIII.

Rule 156 has been dropped, for the reason that it was practically void, the House having, December 15, 1875 (1st session Forty-fourth Congress), abolished the Committee on Freedmens' Affairs, whose duties it prescribed.

Rule 157 has been dropped, for the reason that the committee believe it should either be a joint rule or enacted into a law, and will make further recommendation as to this rule to carry out this view.

Rule 158 has been retained, with an amendment providing that the said messages shall be entered in the journal and published in the Record of that day's proceedings. Such has been the practice for many years, the rule being practically nullified, and, as it stands, of little value. It appears as rule XLI.

Rule 159 has been retained intact, and appears as rule XLII.

Rule 160 appears as clause 22, rule XI.

Rule 161 has been retained intact, and appears as clause 8, rule XVI.

Rule 162 has been substantially retained, being made more specific, and appears as rule XII.

Rule 163 has been retained, with additional provisions prescribing the time and manner of drawing seats. These additional provisions are substantially those observed for many years past, and, it is believed, furnish every safeguard for a fair and impartial drawing. It appears as rule XXXII.

Rule 164 has been considerably changed, it appearing that it did not meet all the requirements as to the custody and disposition of papers presented to the House. The rule is, and has been since its creation, a dead letter, it being the custom, except during the last Congress, to grant all requests for the withdrawal of papers, whether there were adverse reports or not, and in cases where there were adverse reports and the request for withdrawal was "referred to the committee which last considered the case," no written report was ever made thereon.

The committee have adopted substantially the Senate rule on this subject, with certain necessary additional provisions conferring on the Clerk authority to do what has long been done without specific direction.

Rule 165. The first part of this rule has been retained, with an amendment inserting the words "for cause" after the word "removal," and the words "and the manner of the execution of their duties," and the last part has been dropped, being provided for in clause 1, rule XX. As amended it appears as rule XXXVI, clause 1.

Rule 166 has been incorporated in rule V, prescribing the duties of the Doorkeeper, and appears as the last part of clause 3.

Seven new rules have been created and new propositions have been added to existing rules as follows, viz: Clause 3 of rule XIV, and clause 2 of rule XVIII, and rules XIX, XX, XXIX, XXXII, XXXV, XXXVIII, and XXXIX.

Clause 3 of rule XIV has been added for the purpose of covering a point not provided by the present rules, though settled by repeated decisions of the House on appeal or otherwise. It is intended to provide that where debate extends beyond the day on which the measure is reported, the member reporting the same shall, as the organ of the committee, have an additional hour in which to close debate, and this privilege is not given him in his individual right at all, but solely as the representative of the committee.

Clause 2 of rule XVIII is added for the purpose of preventing a member from bringing back into the House, on a motion to reconsider, any matter which he has obtained unanimous consent to introduce or submit for reference or to report from a committee for printing and recommitment. Such proceeding being a matter of favor and courtesy outside of the regular order of business, it is certainly not proper that undue advantage should be taken of that consent by bringing up out of order any matter so introduced, submitted, or reported.

Rule XIX merely embraces in the form of a rule that which has long been the practice of the House without rule. Speaker Macon decided, in the Ninth Congress, that if a motion to amend the original matter was *first* submitted, it was then in order to submit an amendment in the nature of a substitute. This decision was reversed by Speaker Polk, in the Twenty-fourth Congress, which was sustained on appeal by a decisive vote, and the practice has since been in accordance with the latter decision.

Rule XX provides that any Senate amendment shall be subject to the point of order, that it shall be first considered in the Committee of the Whole House; if originating in the House it would be subject to that point, thereby securing absolutely as to all legislation the principle of the present rule 112, which is retained substantially unchanged as clause 3, rule XXXIII.

Rule XXIX merely crystallizes into a rule the practice of the House since the Thirty-first Congress, when Speaker Cobb decided that the report of a committee of conference was so highly privileged as to be in order pending a motion for a call of the House. Since that time it has been the practice of the House to receive a conference report at any time as a question of high privilege, and proceeds upon the theory that as such reports usually settle the differences between the two Houses and perfects legislation so far as Congress can, they should have precedence of new or proposed legislation. It may also be added that giving a conference report precedence over all other business is a parliamentary courtesy to the Senate, which may desire to promptly dispose of the subject and is prevented by non-action of the House, it being necessary that the report should be first made to the House *agreeing* to the conference.

Rule XXXII puts into the standing rules that which is required to be done by resolution at the commencement of the first session of each Congress, to which is added the present rule 163, providing that no proposition for a second drawing of seats shall be in order during the same Congress.

Rule XXXV provides for and regulates admission to the galleries. The committee are of opinion, in view of the strictness of the rule as to admission to the floor, that some place should he assigned in one of the galleries for members of State legislatures and governments, members or delegates of boards of trade, chambers of commerce, and the like, visiting the Capitol, the north gallery being occupied—especially in winter—almost exclusively by visitors whose punctuality of arrival is only exceeded by the pertinacity with which they adhere to the most eligible seats. For this reason the committee propose that that portion of the west gallery now assigned for the use of the families of members be assigned for the use of visitors of the classes above referred to, to be admitted on the card of members, and that the southerly half of the east gallery be assigned *exclusively* for the use of the families of members (which shall include their visitors), in which the Speaker shall control one bench.

Rule XXXVIII adds a requirement as to the disposition of papers referred to committees, and will effect a necessary reform in this regard, besides guaranteeing greater security to the files of the House.

Rule XXXIX provides that papers shall not be withdrawn from the files of the House without its leave, and that in all cases where leave is given to withdraw papers, certified copies shall be left with the Clerk. It also adds a requirement as to the disposition of papers in cases which have been provided for by law, and merely confers specifically upon the Clerk authority to do that which has long been done without provision therefor.

In order to furnish all possible information in regard to the reported

revision and proposed code of rules, and for convenience of reference, a statement is herewith appended showing the sources from which the several rules and clauses of the "revision" were derived, viz:

SOURCE OF CLAUSES OF THE "REVISED RULES."

RULE I.

DUTIES OF THE SPEAKER.

Clause 1.—From present rules 1 and 5.
Clause 2.—From present rules 2 and 9.
Clause 3.—From present rule 5.
Clause 4.—From present rules 2 and 8.
Clause 5.—From present rules 3 and 4.
Clause 6.—From present rule 7.
Clause 7.—From present rule 5.

RULE II.

ELECTION OF OFFICERS.

From present rule 10.

RULE III.

DUTIES OF THE CLERK.

Clause 1.—From present rule 146.
Clause 2.—From present rules 13 and 19.
Clause 3.—From present rules 14, 15, 16, 17, 18, 20, and 21.

RULE IV.

DUTIES OF THE SERGEANT-AT-ARMS.

Clause 1.—From present rules 22 and 25.
Clause 2.—From present rule 23.
Clause 3.—From present rule 26.

RULE V.

DUTIES OF OTHER OFFICERS.

Clause 1.—From present rule 27.
Clause 2.—From present rule 27.
Clause 3.—From present rule 27.

RULE VI.

From present rule 28.

RULE VII.

New rule.

RULE VIII.

OF THE MEMBERS.

Clause 1.—From present rules 29, 30, 31, and 33.
Clause 2.—New rule.

RULE IX.

QUESTIONS OF PRIVILEGE.

New rule.

RULE X.

OF COMMITTEES.

Clause 1.—From present rules 67 and 74.
Clause 2.—From present rule 67.
Clause 3.—From present rule 68.
Clause 4.—From present rule 73.

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

Clause 1.—From present rule 75.
Clause 2.—From present rule 151.
Clause 3.—From present rules 76 and 77.
Clause 4.—From present rule 83.
Clause 5.—From present rule 152.
Clause 6.—From present rule 148.
Clause 7.—From present rule 79.
Clause 8.—No duties heretofore assigned this committee.
Clause 9.—From present rule 90.
Clause 10.—From present rule 87.
Clause 11.—From present rule 89.
Clause 12.—From present rule 81.
Clause 13.—From present rule 80.
Clause 14.—No duties heretofore assigned this committee.
Clause 15.—From present rule 91.
Clause 16.—From present rule 94.
Clause 17.—No duties heretofore assigned this committee.
Clause 18.—From present rule 153.
Clause 19.—From present rule 96.
Clause 20.—From present rule 150.
Clause 21.—No duties heretofore assigned this committee.
Clause 22.—From present rule 160.
Clause 23.—From present rule 88.
Clause 24.—From present rule 95.
Clause 25.—From present rule 93.
Clause 26.—From present rule 92.
Clause 27.—From present rule 78.
Clause 28.—From present rule 84.
Clause 29.—From present rule 86.
Clause 30.—From present rule 82.
Clause 31.—No duties heretofore assigned this committee.
Clause 32.—From present rule 103.
Clause 33.—From present rule 102.
Clause 34.—From present rule 102.
Clause 35.—From present rule 102.
Clause 36.—From present rule 102.
Clause 37.—From present rule 102.
Clause 38.—From present rule 102.
Clause 39.—From present rule 102.
Clause 40.—From present rule 102.
Clause 41.—From present rule 102.
Clause 42.—From present rule 98.
Clause 43.—From present rule 99.
Clause 44.—New rule.
Clause 45.—From present rule 100.
Clause 46.—New rule.
Clause 47.—New rule.

RULE XII.

DELEGATES.

From present rule 162.

RULE XIII.

CALENDARS.

Clause 1.—New rule.
Clause 2.—Partly from present rule 43.

RULE XIV.

DECORUM AND DEBATE.

Clause 1.—From present rule 57.
Clause 2.—From present rules 59 and 60.
Clause 3.—New rule.
Clause 4.—From present rule 61.
Clause 5.—From present rule 62.
Clause 6.—From present rule 63.
Clause 7.—From present rule 65.

RULE XV.

ON CALLS OF THE ROLL AND HOUSE.

Clause 1.—From present rule 35.
Clause 2.—From present rules 34, 36, and 37.

RULE XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

Clause 1.—From present rule 39.
Clause 2.—From present rule 38.
Clause 3.—From present rule 41.
Clause 4.—From present rule 42.
Clause 5.—From present rules 44 and 45.
Clause 6.—From present rule 46.
Clause 7.—From present rules 46 and 48.
Clause 8.—From present rule 161.

RULE XVII.

PREVIOUS QUESTION.

Clause 1.—From present rule 132.
Clause 2.—From present rule 132.
Clause 3.—From present rule 133.

RULE XVIII.

RECONSIDERATION.

Clause 1.—From present rule 49.
Clause 2.—New rule.

RULE XIX.

OF AMENDMENTS.

New rule.

RULE XX.

OF AMENDMENTS OF THE SENATE.

New rule.

RULE XXI.

ON BILLS.

Clause 1.—From present rules 115, 116, 117, and 118.
Clause 2.—From present rules 116, 117, and 118.
Clause 3.—From present rule 120.
Clause 4.—From present rule 48.
Clause 5.—From present rule 115.

RULE XXII.

OF PETITIONS AND MEMORIALS.

Clause 1.—From present rule 131.
Clause 2.—From present rule 131.

RULE XXIII.

OF COMMITTEES OF THE WHOLE HOUSE.

Clause 1.—From present rule 105.
Clause 2.—From present rule 106.
Clause 3.—From present rules 110, 111, and 112.
Clause 4.—From present rule 114.
Clause 5.—From present rule 60.
Clause 6.—From present rule 60.
Clause 7.—From present rule 123.
Clause 8.—From present rule 113.

RULE XXIV.

ORDER OF BUSINESS.

Clause 1.—From present rule 130.
Clause 2.—From present rule 51.
Clause 3.—From present rule 51, as amended.
Clause 4.—From present rule 56.
Clause 5.—From present rule 54.
Clause 6.—New rule.

RULE XXV.

PRIORITY OF BUSINESS.

From present rule 66.

RULE XXVI.

PRIVATE BUSINESS.

From present rule 128.

RULE XXVII.

UNFINISHED BUSINESS OF THE SESSION.

Present rule 136.

RULE XXVIII.

CHANGE OR SUSPENSION OF RULES.

Present rule 145.

RULE XXIX.

CONFERENCE REPORTS.

New rule.

RULE XXX.

SECRET SESSION.

From present rule 137.

RULE XXXI.

READING OF PAPERS.

From present rule 141.

RULE XXXII.

DRAWING OF SEATS.

Clause 1.—New rule.
Clause 2.—New rule, except last three lines from rule 163.

RULE XXXIII.

HALL OF THE HOUSE.

From present rule 155.

RULE XXXIV.

OF ADMISSION TO THE FLOOR.

From present rule 134.

RULE XXXV.

OF ADMISSION TO THE GALLERIES.

New rule.

RULE XXXVI.

OFFICIAL AND OTHER REPORTERS.

Clause 1.—From present rule 165.
Clause 2.—From present rule 135.

RULE XXXVII.

WITNESSES.

Present rule 138.

RULE XXXVIII.

PAPERS.

New rule.

RULE XXXIX.

WITHDRAWAL OF PAPERS.

Partly from present rule 164.

RULE XL.

BALLOT.

Present rule 12.

RULE XLI.

MESSAGES.

From present rule 158.

RULE XLII.

EXECUTIVE COMMUNICATIONS.

Present rule 159.

RULE XLIII.

QUALIFICATIONS OF OFFICERS.

From present rule 140.

RULE XLIV.

JEFFERSON'S MANUAL

Present rule 144.

RULE XLV.

Present rule 147.

As briefly summarizing the work of the committee, it may be stated that in the revision herewith reported and appended thirty-two of the present rules have been dropped entirely, twelve have been retained intact, and one hundred and twenty-two have been retained in some respect or feature, though necessarily greatly condensed and abbreviated, and in concluding their labors by its submission, the committee can only add the expression of hope that its consideration by the House may be governed by the same spirit of mutual concession and compromise that existed in the Committee on Rules from its first to its final meeting.

RULE I.

DUTIES OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum, cause the journal of the proceedings of the last days's sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by rule or law, of the hall of the House, and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpœnas of, or issued by order of the House, and decide all questions of order subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the House.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be) say *Ay*"; and after the affirmative voice is expressed, "As many as are opposed say *No*"; if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary legislative proceedings, except in case of a tie, or where his vote, if given with the minority, would make a tie, or will make or prevent a two-thirds vote where such vote is required, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

7. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment: *Provided, however*, That in case of his illness, he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker *pro tempore*, to act during his absence.

RULE II.

ELECTION OF OFFICERS.

There shall be elected by a *viva voce* vote at the commencement of each Congress, to continue in office until their successors are chosen, a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and ability, and to keep the secrets of the House, and each shall appoint all of the employés of his department provided for by law.

RULE III.

DUTIES OF THE CLERK.

1. The Clerk shall, pending the election of a Speaker or Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.

2. He shall make, and cause to be printed and delivered to each member, or mailed to his address, at the commencement of every regular session of Congress, a list of the reports which it is the duty of any officer or department to make to Congress, referring to the act or resolution and page of the volume of the laws or journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made; also make a weekly statement of the resolutions and bills upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the dates of such orders and proceedings, which statement shall be printed.

3. He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to members and delegates of the journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the members and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the journal thereof to the executive and to each branch of the legislature of every State and Territory; preserve for and deliver or mail to each member and delegate an extra copy, in good binding, of all documents printed by order of either house of Congress to which he belonged; attest all writs, warrants, and subpœnas issued by order of the House, certify to the passage of all bills and joint resolutions, and make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives, in pursuance of law or order of the House.

RULE IV.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend in person the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of the Speaker or Speaker *pro tempore*, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of members and delegates, and pay them as provided by law.

2. The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

3. He shall give bond to the United States, with sureties to be approved by the Speaker, in the sum of $50,000, for the faithful disbursement of all moneys entrusted to him by virtue of his office and the proper discharge of the duties thereof, and no member of Congress shall be approved as such surety.

RULE V.

DUTIES OF OTHER OFFICERS.

1. The Doorkeeper shall enforce strictly the rules relating to the privileges of the hall and be responsible to the House for the official conduct of his employés.

2. At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, report the same to the House, which shall be referred to the Committee of Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

3. Fifteen minutes before the hour for the meeting of the House each day, he shall see that the floor is cleared of all persons except those privileged to remain, and allow no person to enter the room over the hall of the House during its sittings.

RULE VI.

The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of Representatives, Delegates, and officers of the House, and be held responsible for the prompt and safe delivery of their mail.

RULE VII.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

RULE VIII.

OF THE MEMBERS.

1. Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

2. Pairs shall be announced by the Clerk, after the completion of the second roll-call, from a written list furnished him by members, which list shall be published as a part of the proceedings immediately following the names of those not voting.

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, character, and conduct of members

individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz:

On Elections, to consist of fifteen members.
On Ways and Means, to consist of fifteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of eleven members.
On Coinage, Weights, and Measures, to consist of eleven members.
On Commerce, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of eleven members.
On Military Affairs, to consist of eleven members.
On Naval Affairs, to consist of eleven members.
On the Post Office and Post Roads, to consist of eleven members.
On the Public Lands, to consist of eleven members.
On Indian Affairs, to consist of eleven members.
On the Territories, to consist of eleven members.
On Railways and Canals, to consist of eleven members.
On Manufactures, to consist of eleven members.
On Mines and Mining, to consist of eleven members.
On Public Buildings and Grounds, to consist of eleven members.
On Pacific Railroads, to consist of eleven members.
On Levees and Improvement of the Mississippi River, to consist of eleven members.
On Education and Labor, to consist of eleven members.
On the Militia, to consist of eleven members.
On Patents, to consist of eleven members.
On Invalid Pensions, to consist of eleven members.
On Pensions, to consist of eleven members.
On Claims, to consist of eleven members.
On War Claims, to consist of eleven members.
On Private Land Claims, to consist of eleven members.
On the District of Columbia, to consist of eleven members.
On Revision of the Laws, to consist of eleven members.
On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.
On Rules, to consist of five members.
On Accounts, to consist of seven members.
On Mileage, to consist of five members.
Also the following joint standing committees, viz:
On the Library, to consist of three members.
On Printing, to consist of three members.
On Enrolled Bills, to consist of seven members.

2. He shall also appoint all select committees which shall be ordered by the House from time to time;

3. The first-named member of each committee shall be chairman, and, in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee by a majority of their number elect a chairman;

4. The chairman shall appoint the clerk of his committee, subject to their approval, who shall be paid at the public expense, the House having first provided therefor.

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceeding rule, as follows, viz: Subjects relating,

1. to the election of members: to the Committee on Elections;

2. to the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. to appropriation of the revenue for the support of the government: to the Committee on Appropriations;

4. to judicial proceedings, civil and crimnal law: to the Committee on the Judiciary;

5. to banking and currency: to the Committee on Banking and Currency;

6. to coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

7. to commerce: to the Committee on Commerce [but they shall report the bill known as the River and Harbor Bill, for reference to the Committee on Appropriations];

8. to agriculture: to the Committee on Agriculture;

9. to the relations of the United States with foreign nations; to the Committee on Foreign Affairs;

10. to the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs;

11. to the naval establishment, other than the appropriation for its support: to the Committee on Naval Affairs;

12. to the post-office and post-roads other than appropriations for their support: to the Committee on the Post-Office and Post-Roads;

13. to the lands of the United States: to the Committee on the Public Lands;

14. to the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs;

15. to territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

16. to railways and canals other than Pacific railroads: to the Committee on Railways and Canals;

17. to the manufacturing industries: to the Committee on Manufactures;

18. to the mining interests: to the Committee on Mines and Mining;

19. to the public buildings and occupied or improved grounds of the United States other than appropriations therefor: to the Committee on Public Buildings and Grounds;

20. to the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

21.
to the Committee on Levees and Improvements of the Mississippi River;

22. to education and labor: to the Committee on Education and Labor;

23. to the militia of the several States: to the Committee on the Militia;

24. to patents: to the Committee on Patents;

25. to the pensions of the civil war: to the Committee on Invalid Pensions;

26. to the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;

27. to private and domestic claims and demands whatsoever, other than war claims, against the United States: to the Committee of Claims;

28. to claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

29. to private claims to lands: to the Committee on Private Land Claims;

30. to the District of Columbia: to the Committee for the District of Columbia;

31. to the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws;

32. The examination of the accounts and expenditures of the several departments of the government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several departments, as follows:

33. In the Department of State: to the Committee on Expenditures in the State Department;

34. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

35. In the War Department: to the Committee on Expenditures in the War Department;

36. In the Navy Department: to the Committee on Expenditures in the Navy Department;

37. In the Post Office Department: to the Committee on Expenditures in the Post Office Department;

38. In the Interior Department: to the Committee on Expenditures in the Interior Department;

39. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;

40. To public buildings: to the Committee on Expenditures on the Public Buildings;

41. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;

42. Touching the expenditure of the contingent fund of the House, the auditing and settling all accounts which may be charged therein by order of the House: to the Committee of Accounts;

43. The ascertainment of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at Arms;

44. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;

45. All proposed legislation or order touching printing shall be referred to the Joint Committee on Printing on the part of the House;

46. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills, and said committee shall have leave to report at any time;

47. The following named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two houses; and the Committee on Accounts on all matters of expenditure of the contingent fund of the House.

Rule XII.

DELEGATES.

The Speaker shall appoint from among the Delegates one additional member on each of the following committees, viz: Coinage, Weights and Measures; Agriculture; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Territories, and Mines and Mining; and they shall possess in their respective committees the same powers and privileges as in the House, and may make any motion except to reconsider.

Rule XIII.

CALENDARS.

1. There shall be three calendars of business reported from committees, viz:

First. A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property.

Second. A House calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property; and

Third. A calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, viz: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided without debate, in the following order, viz: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

Rule XIV.

OF DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

2. When two or more members rise at once, the Speaker shall name the member who is first to speak, and no member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon, and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

6. No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms is charged with the strict enforcement of this rule.

Rule XV.

ON CALLS OF THE ROLL AND HOUSE.

1. Upon every roll call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Rule XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

1. Every motion made to the House shall be reduced to writing on the demand of any member, and shall be entered on the journal with the name of the member making it, unless it is withdrawn the same day.

2. When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a member.

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lie on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

5. A motion to fix the day to which the House shall adjourn, a motion to adjourn, and to take a recess shall always be in order, and the hour at which the House adjourns shall be entered on the journal.

6. On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

7. A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

Rule XVII.

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on the final passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or special committee; and a motion to lie upon the table shall be in order on the second and third reading of a bill.

2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE XVIII.

RECONSIDERATION.

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

2. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

RULE XIX.

OF AMENDMENTS.

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

RULE XXI.

ON BILLS.

1. Bills and joint resolutions introduced for reference and those reported by committees without such introduction, shall be read a first time by their titles and printed, the second time in full, the third time by their titles, unless the reading in full shall be demanded by a member.

2. Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a member, and the question shall then be put upon its passage.

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

4. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

5. All bills for improvement of rivers and harbors and for the establishment or change of post-routes shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.

RULE XXII.

OF PETITIONS AND MEMORIALS.

1. Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the journal, together with the names of the members presenting them, and the Clerk shall furnish a transcript thereof to the official reporters of debates for publication in the Record.

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

RULE XXIII.

OF COMMITTEES OF THE WHOLE HOUSE.

1. In all cases in forming a Committee of the Whole House the Speaker shall leave his chair after appointing a chairman to preside.

2. Whenever a Committee of the Whole House finds itself without a quorum, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the journal.

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

4. In Committee of the Whole House on the state of the Union the bills on the calendar shall be taken up in their order, but when objection is made to the consideration of a bill, a majority of the House shall decide without debate whether it shall be disposed of or laid aside for the present.

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

6. The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

7. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House. But before the question of concurrence is submitted, it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House, it shall be referred to the Committee of the Whole without debate.

8. The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

RULE XXIV.

ORDER OF BUSINESS.

1. Each Monday morning, during a session of Congress, all the States and Territories shall be called in their alphabetical order for bills, joint resolutions, and memorials of State and Territorial legislatures, and House resolutions, for reference, and, on this call only, resolutions of inquiry directed to the heads of the Executive Departments shall be in order, to be submitted and referred to the appropriate committees, which shall report thereon to the House within one week.

2. On all days other than Monday, as soon as the journal is read and approved, there shall be a morning hour for reports from committees which shall be appropriately referred and printed; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business, but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

3. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

4. After the hour shall have been devoted to reports from committees, the consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed, and at the same time each day thereafter, other than Monday, until disposed of; and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order.

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to dispose of

the business on the Speaker's table, which, prevailing, the Speaker shall dispose of in the following order:

First. Messages from the President and other executive communi cations.

Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

Third. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all other motions touching their disposition.

Fourth. Engrossed bills and bills from the Senate on their third reading.

6. Business on the Speaker's table having been disposed of, it shall then be in order to entertain motions, in the following order, viz:

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its calendar.

Second. To proceed to the consideration of business on the House calendar.

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the private calendar; and, if this motion fail, then public business shall be in order as on other days.

Rule XXV.

MISCELLANEOUS RULES.

PRIORITY OF BUSINESS.

All questions relating to the priority of business shall be decided by a majority without debate.

Rule XXVI.

PRIVATE BUSINESS.

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a majority of the House.

Rule XXVII.

UNFINISHED BUSINESS OF THE SESSION.

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session which remained undetermined, shall be in order for action, and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

Rule XXVIII.

CHANGE OR SUSPENSION OF RULES.

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on every Monday after the call of States and Territories shall have been completed, and during the last six days of a session.

Rule XXIX.

CONFERENCE REPORTS.

The representation of reports of committees of conference shall always be in order, except when the journal is being read, while the roll is being called, or the House is dividing on any proposition.

Rule XXX.

SECRET SESSION.

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

Rule XXXI.

READING OF PAPERS.

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Rule XXXII.

DRAWING OF SEATS.

1. The Clerk shall, at the commencement of each Congress, place in a box the name of each Member and Delegate of the House of Representatives, written upon a separate slip of paper, and, at an hour to be fixed by the House, shall proceed in its presence to draw from said box, one at a time, the said slips of paper, and as each is drawn shall announce the name of the Member or Delegate thereon, who shall thereupon choose his seat for the present Congress.

2. Before said drawing shall commence, each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during the same Congress.

Rule XXXIII.

HALL OF THE HOUSE.

The hall of the House shall be used only for the legislative business of the House, and for the caucus meetings of its members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

Rule XXXIV.

OF ADMISSION TO THE FLOOR.

The persons hereinafter named, and none other, shall be admitted to the hall of the House or rooms leading thereto, viz: The President of the United States and his private secretary, Judges of the Supreme Court, Members of Congress and Members elect, the Secretary and Sergeant-at-Arms of the Senate, Heads of Departments, Foreign Ministers, Governors of States, the Architect of the Capitol, such persons as have, by name, received the thanks of Congress, ex-members of Congress who are not interested in any claim pending before Congress, and clerks of committees, when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule.

Rule XXXV.

OF ADMISSION TO THE GALLERIES.

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, Justices of the Supreme Court, Foreign Ministers and suites, and the members of their respective families, and shall also set aside another portion of the same gallery for the accommodation of persons to be admitted on the card of members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of members of Congress, in which the Speaker shall control one bench, and on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

Rule XXXVI.

OFFICIAL AND OTHER REPORTERS.

1. The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees, and the manner of the execution of their duties, shall be vested in the Speaker.

2. Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign two seats on the floor to Associated Press reporters, and regulate the occupation of the same.

Rule XXXVII.

PAY OF WITNESSES.

The rule for paying witnesses summoned to appear before the House, or either of its committees, shall be as follows: For each day

a witness shall attend, the sum of three dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

RULE XXXVIII.

PAPERS.

The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence or testimony taken by such committee, under the order of the House, during the said Congress.

RULE XXXIX.

WITHDRAWAL OF PAPERS.

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if so withdrawn therefrom, certified copies thereof shall be left in the office of the Clerk; but, when an act may pass for the settlement of a claim, the Clerk is authorized to transmit to the officer charged with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to any officer or Bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or Bureau, taking proper receipt therefor.

RULE XL.

BALLOT.

In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained; and in all ballotings blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.

RULE XLI.

MESSAGES.

Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the Record of that day's proceedings.

RULE XLII.

EXECUTIVE COMMUNICATIONS.

Estimates of appropriations, and all other communications from the executive departments, intended for the consideration of any committees of the House, shall be addressed to the Speaker and by him submitted to the House for reference.

RULE XLIII.

No person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee of Accounts to inquire into and report to the House any violation of this rule.

RULE XLIV.

JEFFERSON'S MANUAL.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and joint rules of the Senate and House of Representatives.

RULE XLV.

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.

DEBATE ON THE FOREGOING REPORT.

DECEMBER 19, 1879.

REVISION OF RULES.

Mr. BLACKBURN. I am directed by the Committee on Rules to report to this House the proposed revision of its rules that has been drafted in obedience to a resolution passed by this House at its first session, and in conjunction therewith to submit a report explanatory of the changes suggested and submitted. I am directed by the committee to say further, Mr. Speaker, that it is its purpose now simply to ask that the House shall direct this revision and report to be printed and recommitted to the committee, so that within the next few days each member of the House can be provided, whether here in the city or by having it mailed to his address at home, with a copy of the proposed revision and may thus be afforded an opportunity of examining it during the holidays. At some time after the reassembling of the House the Committee on Rules have determined to ask the House to set a day when it will resolve itself into Committee of the Whole House under such restrictions as to debate as to the House may seem proper to take up and consider, at such length as it may choose, the proposition submitted by the Committee on Rules which I hold in my hand for a revision of the terms on which the legislation of this House shall be conducted.

The report I make is the unanimous report of the Committee on Rules, the several members of that committee reserving to themselves the right to offer amendments where they deem it proper upon the consideration of the report. I ask that the report and the proposed revision may be printed and recommitted.

Mr. CALKINS. I wish to ask a question of the gentleman from Kentucky for information with regard to the printing of the report and of the rules as revised: whether the committee ask in the report that the rules proposed to be changed shall be printed along with the rules as revised, or whether simply the revision as reported by the committee shall be printed.

Mr. BLACKBURN. In answer to the gentleman from Indiana I will say that the suggestion he makes has not been adopted or recommended or asked for by the committee, for this reason: the Manual with which each member of the House is now provided shows precisely what the rules are as they stand to-day. We ask to have printed simply the proposed revision of the rules. The comparison can be made by each member, by taking the Manual of the rules as they now stand and comparing it with the proposed revision submitted by the committee.

And I will say, Mr. Speaker, that the journal clerk of the House will be able to furnish each member who will make the request of him, at his home, or in this city, or at any address he may give him, a printed copy of this revision within the next three or four days, provided the House shall order the report and proposed revision to be printed.

Mr. CALKINS. Then I understand that the Committee on the Rules——

Mr. BLACKBURN. I will explain further, if the gentleman will permit me, that the report which the committee submit in conjunction with this proposed revision is simply by way of explanation. The sole object and purpose of that report is to explain to the House and to each member of it the changes made in the rules as at present by those which we now propose, and the reasons that have operated upon the committee in suggesting the proposed changes.

Mr. CALKINS. With the permission of the gentleman, I want to make this observation; because if the committee have considered that question I shall not attempt to undertake to get the House to change their report. But I had hoped that the committee would allow the rules to be printed along with the amendments which are suggested by the committee, so that at a glance each member of the House could see precisely what change is proposed or suggested to be made. The House knows that each member is now full of work. We have but little time at best to perform the duties which we are called upon to perform here. And in my judgment every moment's time that we can save would certainly be of advantage.

I only want to say one further word, and that is that each member of the House knows that the rules of the House are its life-blood, and as far as possible every member ought to understand those rules. It is for that purpose that I made the suggestion.

Mr. BLACKBURN. I do not want the House to remain unadvised as to any action that may have been taken or any purpose that may be held by the Committee on Rules. I am very sure that the action the committee have taken in thus submitting this revision of the rules and its report, and asking to have them both printed so that they may be in the hands of members during the two or three weeks of vacation we are to have, and then its foreshadowed action asking to have this House go into Committee of the Whole and take one day or one week, or whatever time it may choose, for the fullest investigation, discussion, and interchange of opinion, will sufficiently demonstrate the fairness of purpose on the part of the committee. I will say to the gentleman from Indiana [Mr. CALKINS] that it was not possible, in the judgment of the committee, to adopt the suggestion he has made. The rules as they now stand number one hundred and sixty-six. In the proposed revision submitted to the House those rules are cut down to forty, in round numbers, and occupy seven of the ordinary pages of proof print which I have sent to the Clerk's desk. Owing to this abbreviation, owing to the material changes made in the revision, as compared with the present system of rules, it was deemed by the committee impossible to print the rules as they stand at present, together with those now proposed by them, so as to make the one stand as an amendment or change of the other.

The Manual which each member holds to-day contains every rule which this House has adopted and which is now in force. The revision of the rules now submitted by the committee for printing contains every rule that the House will have if that report and revision

shall be adopted for its government. The report which accompanies this revision of the rules explains in detail what has been done with regard to every present existing rule, whether it has been abrogated or altered, and if altered, in what respect, as well as the history of each rule itself, and the motives that have induced the committee to suggest the proposed change.

I think the House will find that, whatever judgment it shall pronounce when it comes to consider the work done and submitted to it, every opportunity has been afforded and will be afforded, and will be insisted upon by the Committee on Rules, to have the fullest, fairest, and freest discussion that we can possibly get. After the House shall have made its order upon the motion which I have submitted, I have the ordinary resolution which I desire to submit, simply to expedite the matter, directing the Public Printer to go on during the holidays and print the ordinary number of copies (which I believe is two thousand) of the Digest for the second session of this Congress.

Mr. REAGAN. I wish to inquire of the gentleman from Kentucky [Mr. BLACKBURN] if it is supposed that the ordinary number will be sufficient to answer the purpose?

Mr. BLACKBURN. When I spoke of two thousand copies as the ordinary number, I referred to the Digest for this session of Congress.

Mr. REAGAN. I am speaking of the report of the committee. I suggest whether it is not desirable that an extra number of copies of this revision be printed.

Mr. BLACKBURN. I accept the suggestion of the gentleman; and if the House shall order the proposed report and revision to be printed, as I trust it will, I hope that double the usual number will be printed.

Mr. HOOKER. I desire to ask the gentleman from Kentucky what time he proposes to fix for taking up this report for consideration by the House.

Mr. BLACKBURN. In answer to the gentleman I will say that the Committee on Rules have indicated very plainly to me, in directing me to make this report, that, after the opportunity which each member will have during these two or three weeks' vacation to examine the revision, it is the purpose of the committee, immediately upon the reassembling of Congress, to ask the House to fix a day, as soon as may be, when it will go into Committee of the Whole for the purpose of taking up and considering, at such length as it pleases, this revision.

Mr. HOOKER. As this revision proposes, as I understand, changes of the most radical character in the rules for the government of the House, I suggest that we had better fix the day of the reassembling of Congress, and by order of the House give a preference to the consideration of this matter until the House shall have passed upon the report.

Mr. FRYE. In answer to the suggestion made a few moments ago by the gentleman from Indiana, [Mr. CALKINS,] I desire to say that the committee considered the proposition made by him; and it was found to be an utter impossibility to adopt any such proceeding. Take, for instance, the rules defining the duties of the Speaker. They run all over our present book of rules. We have taken those scattered provisions and embodied them in one rule, very much abridging the rules as now existing and changing them in many respects.

In the report which has been prepared we have pursued precisely the course that is pursued in laying out a map for the guidance of a pilot. The report contains references to every rule which has been touched by the committee, so that any boy fifteen years of age can take our present rules and the revision which we report and without the slightest difficulty can trace all the changes right through.

Mr. CALKINS. If the report of the committee will serve the purposes of comparison as well as an annotated copy of the revision, I am satisfied. In order to get a further explanation, I ask the gentleman whether or not a marginal annotation referring to each rule that has been changed would not greatly facilitate inquiry as to the changes which are proposed.

Mr. FRYE. I am satisfied that it would not. No man who reads the report would think for a moment of asking any more than the report contains. It certainly furnishes all the information that is necessary.

While on the floor, I wish to suggest to the gentleman from Kentucky [Mr. BLACKBURN] whether it is not better now to fix the day when we shall proceed to the consideration of these new rules. The vacation about to begin will afford ample opportunity to every member to examine critically the report and the rules which we submit to-day for the action of the House. For one I am desirous that we shall commence the consideration of these rules as soon as possible after our return. I believe that a thorough discussion of this report in Committee of the Whole, taking it up rule by rule, will give to members a better understanding of the rules than experience under the present rules would give a member after a service of four years. I hold that this discussion will serve an admirable purpose, even though you reject every rule reported, by informing us what the rules are. I would like to feel convinced to-day that the House will occupy one solid week—every day of a whole week—in considering the rules now reported. I believe that it would be a week well spent. If the gentleman from Kentucky regards the proposition favorably, I would like to have a day fixed on which the consideration of this report shall commence.

Mr. BLACKBURN. Then, Mr. Speaker, unless some member of the Committee on Rules shall object, I will indicate to the House now that if it shall agree to the motion that this report and proposed revision be printed and recommitted, I will ask that the 7th day of January next (the day after the reassembling of Congress) be fixed as the day on which this report shall be taken up.

Mr. GARFIELD. I think that day is already engaged.

The SPEAKER. The 9th of January is the earliest unoccupied day except the 6th, the day on which the House will reassemble.

Mr. FRYE. We had better fix the 9th.

The SPEAKER. The Chair suggests that the 6th had better be fixed; the subject could be resumed on the 9th.

Mr. GARFIELD. I think there will hardly be a full attendance of members on the 6th.

Mr. BLACKBURN. In response to inquiries made around me I desire to state that the wish and purpose of the committee is, that when the House shall resolve itself into Committee of the Whole for the consideration and discussion of this proposed revision there shall be no impediment offered, no objection made, to any amendment that any member may see fit to offer to any rule, it being considered that we go through this report just as we do through the general appropriation bills. Thus every member will have the fullest opportunity to correct any defect that the revision may contain.

To testify the earnestness of the committee to obtain a prompt consideration of this subject, I notify the House that if the report and revision be ordered to be printed and recommitted, I will at once move that the House shall, on Tuesday, the 6th day of January, the day on which Congress reassembles, take up this report for consideration, or then fix a day in its pleasure to proceed to dispose of it. I move that it shall be on the 6th day of January.

Mr. GARFIELD. Will the gentleman from Kentucky let me offer this as a suggestion? If we do that, we have two difficulties in our way: first, the uncertainty of having a quorum on that first day, or rather the certainty there is we shall have but a slim attendance in the House; and, secondly, the certainty the two following days in the House; and, secondly, the certainty the two following days in having the consideration of this subject interrupted by business already set apart as special orders for those days. I therefore think it would be better to fix the 9th of January, the first day of open time in the House, and I ask the gentleman to say the 9th of January next, after the morning hour, and from day to day after the morning hour, to the exclusion of all other business until concluded.

A MEMBER. What day in the week is that?

Mr. WHITE. Friday.

A MEMBER. But that is private bill day.

Mr. GARFIELD. This is of more importance than private bills. Let us waive all other business after the morning hour until this has been concluded. Let us say to the exclusion of all other orders.

Mr. WHITE. Make it the 9th, then.

Mr. FRYE. If the gentleman from Kentucky will allow me, I will say that I don't like this postponement to the 9th of January. If you set down the consideration of the revision of the rules on the first day the House meets after the recess, members will return here. It is an unjust commentary upon the fidelity of members of Congress to say that after the lapse of a three weeks' vacation they cannot get here on the day appointed for the end of that vacation. Now, I believe if you fix the consideration of the revision of the rules for the first day, members will come here. [Cries, "That is right!"]

Mr. GARFIELD. If you fix it for the first day, then for three days afterward it will be interrupted by other business to the consideration of which those days have been mortgaged.

Mr. FRYE. I take it the House will postpone the other business.

The SPEAKER. The Chair would suggest that it be taken up and considered to the exclusion of all other orders until completed.

Mr. GARFIELD. If the House shall make it a special order after the morning hour, and to the exclusion of all other orders, then the difficulties I have suggested will be obviated, and I cheerfully consent.

Mr. FRYE. Let the assignment be for the 6th of January, after the morning hour, to run from day to day until disposed of, to the exclusion of all other business.

Mr. BLACKBURN. That, I think, is the best arrangement we can make, and consequently I make that motion.

Mr. CONGER. I ask the gentleman, in order that we may have an accessible and permanent record in the future, that this report of the Committee on Rules be printed in the RECORD; that is, that it shall be printed in the RECORD as well as in other print.

The SPEAKER. The gentleman from Kentucky moves to recommit the report; to that the Chair hears no objection, and the report is received and recommitted.

The gentleman from Kentucky now moves that double the number of copies usually printed of bills shall be printed of this report; and, further, that on the 6th day of January next, after the morning hour, it shall be made the special order, to the exclusion of all other business.

Mr. BLACKBURN. Yes, sir; that is exactly my motion.

Mr. GARFIELD. And from day to day until disposed of.

The SPEAKER. And from day to day until disposed of.

Mr. CONGER. I suggest also, Mr. Speaker, that it be printed in the RECORD as well as in the usual print.

Mr. BLACKBURN. If the gentleman will listen to a suggestion on my part, I think he will withdraw that request.

Mr. CONGER. Let me say this, that very often in looking for the

history of a change in the rules we have easy access to the RECORD when we could not perhaps find the document printed in the usual way. Now, this is one of the most important changes ever proposed in our rules—the most important that has occurred for many years—and I do not understand why there should be any objection to having it printed in the RECORD so we may see it, and so it may be easily accessible to members.

Mr. BLACKBURN. If the gentleman will bear with me for a moment I will state the objection I have to his suggestion. Now, as double the usual number of copies of the committee's report and revision is proposed to be ordered by the Houee to be printed for the use of members, and as this is the last day of the session of the House prior to the adjournment for the holidays, if the report and revision as submitted this morning should be printed in the RECORD to-morrow morning, there would be no way to correct errors, typographically or otherwise, which now remains to us in the printed copies the House orders for the use of members. Like the gentleman from Michigan, I would like to have the report and revision printed in the RECORD, but I do not see any way of providing absolutely against mistakes, if that revision is to appear in to-morrow's RECORD.

Mr. HUBBELL. Let me make a suggestion, that when the report is read in the House after the recess it will go in the RECORD as a matter of course.

Mr. BLACKBURN. I agree to the suggestion of publishing the report and revision in the RECORD on the 6th day of January.

The SPEAKER. There is no RECORD on the 6th day of January. It can be printed in the RECORD of the 7th, which will contain the proceedings of the 6th.

Mr. HUBBELL. Well, let it be published on that day in the RECORD.

Mr. CONGER. I agree to that.

Mr. HUBBELL. If it is read on that day it will necessarily go into the RECORD on the next day.

The SPEAKER. The report of the committee has been received, accepted, and recommitted, and the House is now asked to make it the special order for the 6th day of January, after the morning hour, and from day to day until disposed of, to the exclusion of every other order. The Chair hears no objection, and it is ordered accordingly.

On motion of the gentleman from Michigan, [Mr. CONGER,] it is now proposed that this report shall be printed in the RECORD of the 7th of January. Is there objection to that request.

There was no objection, and it was ordered accordingly.

Mr. BLACKBURN. I now ask, Mr. Speaker, the adoption of the usual resolution providing for the printing of two thousand copies of the Digest of the second session of the Forty-sixth Congress, and I will state to the House that the reason for entering that order at this time is to expedite the printing and delivery of the Manual and Rules as revised to members as soon as that revision has been perfected by the House. If that order be not made at this time, and we shall allow three weeks to intervene, and the order is not made until after the House reassembles, I am informed that such is the pressure of work at the Public Printing Office, we will not be able to get our copies of the Manual for this session before April or May next.

Mr. CONGER. Do we need any more copies of the old Manual for the use of members?

Mr. BLACKBURN. The gentleman does not understand my proposition. The printing of Jefferson's Manual will be completed by the time the House shall have done its work, whatever it may be, on this revision of the rules, and the book will be in an advanced state, so that the only object in adopting the order I propose is to hasten the completion and delivery of the Manual, with the revised rules, to the members of the House.

Mr. CONGER. It is proposed, then, to have in the Manual, which the gentleman asks us to order to be printed, whatever amendments the House may make.

Mr. BLACKBURN. Yes, sir, to contain whatever revision of the rules shall be adopted by the House.

Mr. GARFIELD. If the gentleman will allow me, the point is just this: The Digest, as it stands, is based on the rules of the House as they now are. As now printed it will be almost valueless to us if we shall adopt the new rules, because nobody could find by any of the numbers in that Digest the proper reference. There will have to be a complete reproduction of the Digest to make proper reference to opinions already settled and to the numbers of the new rules.

Mr. BLACKBURN. Let me suggest to the gentleman the object of this resolution now offered is simply to direct the Public Printer to go on with the printing of the two thousand copies. The Public Printer will only proceed to print the Constitution of the United States and Jefferson's Manual, which, of course, apply to the present and all future rules. He will only do that part of the work until the House shall have completed its revision, and then that will be all which will remain to be printed to complete the work.

Mr. WHITE. That is all right.

Mr. FRYE. One word before this matter is disposed of. There was some confusion when the gentleman made his announcement some time ago, and I simply desire to repeat that the members of the House who desire a copy of the report and the revision of the rules can have it sent wherever they direct, on leaving their names with the journal clerk, Mr. Smith.

Mr. BLACKBURN's motion was agreed to.

JANUARY 6, 1880.

REVISION OF RULES.

Mr. DUNNELL. I demand the regular order.

The SPEAKER. The regular order being demanded, the gentleman from Kentucky [Mr. BLACKBURN] is entitled to the floor.

Mr. BLACKBURN. I now report back from the Commitee on Rules the revision of the rules and the accompanying report, and move that the same be referred to the Committee of the Whole on the state of the Union; and I further move that the House now resolve itself into Committee of the Whole on the state of the Union.

The report was received and referred to the Committee of the Whole on the state of the Union,

The SPEAKER. The question is on the motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the report just referred.

Mr. BLACKBURN. Before that motion is put, I desire to state that neither of the members of the minority side of this House belonging to the Committee on Rules is present to-day. It is not, however, the purpose of the Committee on Rules, in proceeding to the consideration of this revision at this time, to touch any matter upon which there is or has been any difference of opinion whatever among the members of the committee. I desire simply, in obedience to the instructions of the committee, to indicate its readiness to proceed with the consideration of this matter upon such subjects and points as there is likely to be no division of opinion upon.

I take it that the report will have to be read when we come to consider this subject in Committee of the Whole. Then if it be the pleasure of the committee at any time, in consequence of the absence of the members of the minority, to discontinue the consideration of the report, I am instructed by the Committee on Rules to say that it will also be its pleasure to stop whenever that point shall be reached.

Mr. DUNNELL. I would like to ask the gentleman from Kentucky [Mr. BLACKBURN] if it is his purpose at this time to fix a limitation of the general debate upon this report? How is this debate to proceed? Is there to be a time for general debate?

Mr. BLACKBURN. I take it it will be the pleasure of the House to have some limitation put on the debate. It is certainly the purpose of the committee to accommodate itself in all regards, in the motions it may submit, to the pleasure of the House. But I should judge that the five-minute rule will apply to the proceedings of the Committee of the Whole upon this matter. And so far as the members of the committee may find it necessary to make explanations of any portions of the report submitted by it, they will have to take their chance. I doubt whether it will be found necessary for any one member to occupy more than five minutes' time upon any one point that may be raised. Unless the House shall indicate a different wish, I do not know but what it would be well, in order to test the sense of the House, to move that the five-minute rule shall apply to the consideration of this report in the Committee of the Whole House.

Mr. REAGAN. I hope no such order will now be made. There is a very grave matter to be acted upon contained in this report.

Mr. BLACKBURN. If the gentleman will only indicate any time that will be satisfactory——

Mr. DUNNELL. I had supposed the gentleman from Kentucky [Mr. BLACKBURN] would indicate the length of time to be consumed in general debate. I am myself very well satisfied that there are rules which have been reported favorably upon by the Committee on Rules that cannot be fully and fairly discussed under the five-minute rule. I think it would be unfair to confine any man in the presentation of his views upon even a single rule to five minutes. I only desired that the gentleman would indicate the mode or manner in which he proposes to conduct the consideration of this subject.

Mr. STEPHENS. I trust the gentleman from Kentucky [Mr. BLACKBURN] will let us go into Committee of the Whole, for the discussion of these rules without any limitation as to time, until the House shall have become satisfied with the general discussion.

The SPEAKER. The committee can at any time rise and obtain an order from the House upon that point.

Mr. BLACKBURN. I am perfectly willing to agree to that.

Mr. STEPHENS. I am for the most unrestricted and unlimited discussion of this subject. Let us go into Committee of the Whole, and leave the question of limitation of debate to be determined hereafter.

Mr. BLACKBURN. I will say to the House that I am sure it is the pleasure of the Committee on Rules that any amount of time the House may desire shall be taken for the discussion of this proposed revision. I do not, myself, think it would be well to fix the time for general discussion arbitrarily in advance. I at least prefer, and I am sure the other members of the committee do, that the House shall resolve itself into Committee of the Whole and take one day or one week, if it pleases, for general discussion; and that whenever the time shall have been satisfactorily employed in general discussion which may be desired, then the committee can rise and go back into the House and obtain its order for the application of the five-minute rule.

The SPEAKER. The Chair does not understand the gentleman to make any motion for the limitation of debate.

Mr. BLACKBURN. I do not.

Mr. DUNNELL. I am satisfied.

The SPEAKER. The question is upon the motion to go into Committee of the Whole.

Mr. CALKINS. Before that motion is put, I desire to ask the Clerk——

The SPEAKER. If the gentleman will submit the request to the Chair, the Chair will make the inquiry of the Clerk.

Mr. CALKINS. Very well, I will ask the Chair to inquire of the Clerk whether or not, in the original motion submitted by the gentleman from Kentucky [Mr. BLACKBURN] before the holiday recess, it was not provided that the discussion of these rules should proceed in the House as in Committee of the Whole?

The SPEAKER. The Chair can answer that question; it was not so provided. The gentleman will see at once that the present occupant of the chair would desire to be upon the floor when these rules were discussed, and such an order as he indicates might render that difficult.

Mr. CALKINS. That need not prevent it, for the Chair could call anybody else to preside.

The question was then taken upon the motion of Mr. BLACKBURN; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole; Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the report made by the Committee on Rules, which report the Clerk will now proceed to read.

Mr. TOWNSHEND, of Illinois. Is it not first in order that the business upon the Calendar preceding the report shall be set aside in order to reach the report?

The CHAIRMAN. The Chair understands the order of the House to have been to resolve itself into Committee of the Whole for the purpose of considering this report, which report was made the special order for to-day.

Mr. TOWNSHEND, of Illinois. I beg pardon of the Chair; that was not part of the motion of the gentleman from Kentucky, [Mr. BLACKBURN.] His motion was simply to go into Committee of the Whole.

The CHAIRMAN. The present occupant of the chair, who was not in the House when the first order was made, is informed that the subject was made a special order for to-day to the exclusion of all other business.

Mr. STEPHENS. And from day to day.

The CHAIRMAN. And from day to day until completed.

Mr. HARRIS, of Virginia. I propose that by unanimous consent we dispense with the reading of this long report, which is upon the desk of every member. We know that the reading of reports in this way gives very little information, because so few members listen.

The CHAIRMAN. The gentleman from Virginia [Mr. HARRIS] asks unanimous consent that the reading of the report be dispensed with.

Mr. BARBER. I object.

The Clerk proceeded to read the report.

The CHAIRMAN. The gentleman from Kentucky [Mr. BLACKBURN] is entitled to the floor.

Mr. BLACKBURN. Mr. Chairman, for myself I do not desire, at least at this stage of the proceedings, to occupy the time of the House with any elaborate explanation of the motives which actuated or the purposes which controlled the Committee on Rules in the revision which they submit. Accompanying this proposed revision is a very full and elaborate explanation, in which the rules that have been omitted, as well as those which have been incorporated in the present revision, or modified, are noted and the reasons for the changes given. I think it will generally be found that the questions which will naturally come up, and which members will very properly submit, will in most cases be answered by consulting the report. I know that some very material alterations are proposed, which will necessarily, or at least naturally, evoke discussion. When that time shall come the committee will be prepared to give the reasons which have influenced their action. Until then I shall ask that the Clerk be permitted to proceed with the reading of the proposed rules by paragraphs, it being my understanding that under the order of the House the Committee of the Whole will now consider these rules clause by clause. The rules as reported are subdivided into clauses, which I take it will be considered separately, as paragraphs of a general appropriation bill are considered in Committee of the Whole. The committee reserves to each member of the committee the right to offer, during the consideration of this report, such amendments as he may choose. The committee further reserves the right (of which I now give notice) to offer, as a committee, certain amendments, not very material, but which they deem proper to be offered, as we proceed.

Mr. KEIFER. I desire to inquire of the gentleman whether, if we pass over these rules on this reading, it will be agreed that we may go back to offer amendments at any subsequent time?

Mr. BLACKBURN. I cannot without the authority of the committee agree to that.

Mr. KEIFER. The reason I suggest it is that the gentlemen on this side of the House who belong to the committee are absent, and there may be some very important amendments which they would like to suggest, for which purpose it might be necessary to go back. I desire very much that this arrangement be made. I think it will lead to no difficulty.

Mr. BLACKBURN. I can see how the adoption of the gentleman's suggestion might lead us into inextricable confusion. This system of rules, as reported, must be considered as a whole. Its symmetry (if, indeed, it be entitled to claim any symmetrical proportion at all) may be seriously marred, if not absolutely destroyed, by alteration in some material point. I surely need not repeat that it is not the purpose of the members of the committee, or any one of them, to take any advantage whatever of the absence of their colleagues representing the minority of the committee; nor do I believe that until rule numbered 13 in this revision is reached we shall touch a single thing on which there was not absolute and perfect unanimity. If either of the absent members of the committee shall, upon their return, say that any action adverse to their views or conclusions has been taken by the Committee of the Whole in their absence upon any point I certainly should be the first to propose to reopen the question, and in this I think I speak for all the members of the committee now present.

Mr. KEIFER. The gentleman misunderstood my inquiry. I did not ask that much. What I did desire was an arrangement by which the members of the committee now absent, or others at their instance, might be permitted to offer amendments to any part of the rules that might have been passed on during their absence. I would hardly ask on their behalf that we should go back and reconsider every matter that might have been voted upon. It seems to me that my proposition is quite fair.

Mr. BLACKBURN. The gentleman from Ohio and myself, I am sure, can come to an agreement on this point. I do not wish to deprive the absent members of the Committee on Rules of the fullest opportunity to submit any suggestions in the nature of amendment that they may wish to offer, whether they affect matters which have not been reached on their return or matters which we have passed upon. But I do insist, and if the gentleman from Ohio will reflect a moment he will see, that if we leave the matter open for every member of the House at his pleasure to go back and offer amendments to clauses and paragraphs which have been discussed, closed, settled, and passed, our work may prove almost interminable.

Mr. KEIFER. I have not asked that at all. I ask that independent propositions which have not been considered in the absence of these gentlemen may be offered afterward.

Mr. BLACKBURN. I understand, then, that the gentleman from Ohio simply wishes to secure to the absent members of the Committee on Rules, and not to members generally, this right.

Mr. KEIFER. Not to members of the House generally.

Mr. BLACKBURN. To that I readily assent.

Mr. ROBINSON. Will the gentleman from Kentucky allow me to make a suggestion? This report of the Committee on Rules has for the first time reached my hands this morning. Although I left my address with the Clerk of the House, I received under the frank of the gentleman from Kentucky the proposed rules simply, without any report. Therefore I have before me this morning for the first time twenty-seven closely printed pages, explaining in detail the changes recommended, with various references and annotations. It is utterly impossible, I think, for most members who have not given special attention to this subject to proceed at once to the consideration of this body of rules, without any explanatory remarks and without any opportunity thus far to examine the report. It was understood, Mr. Chairman, as I thought, at the last day of the session that we were to have a printed copy of the committee's report sent to us.

Mr. BLACKBURN. Mr. Chairman, I only wish to say to the gentleman from Massachusetts that he received it just as soon as it came from the Public Printer. The fact that the report of the committee did not go out at the same time as the proposed revision of the rules was not the fault of any member of the committee or of its clerk, but because it was simply impossible to get it earlier from the Public Printer.

Mr. ROBINSON. Then, it having been impossible to give us the report at the time it was supposed, and having only the revised rules before us and not the report of the committee, it seems to me the House is in no condition to consider this matter this morning. We should, I think, have some time to read and consider the committee's report before we are called upon to act upon the revised rules.

Mr. BLACKBURN. As I have indicated, it was the opinion of the Committee on Rules there was to be no division or difference of opinion to be apprehended until Rule No. 13 as numbered in this revision should be reached, and if it be the pleasure of this House, if it be the pleasure of this committee to postpone the further consideration or to withhold consideration of this revision until to-morrow, I am sure the Committee on Rules has no disposition to hasten action at all.

Mr. ROBINSON. I agree, Mr. Chairman, it would be irregular to go back and retrace the steps already taken, but at the same time it is exceedingly unfortunate that we should have proceeded to the consideration of this subject this morning without having the report of the Committee on Rules before us. That committee of course has given it most careful attention; its members have acted with unanimity, and they are prepared, of course, to discuss the whole question. It is only fair, however, that the other members of the House should have some time to consider it.

Mr. BLACKRURN. To that the committee do not object.

Mr. ROBINSON. While it is not propor to go back, it is altogether wiser to postpone further action until to-morrow.

Mr. CANNON, of Illinois. The time is to be consumed in general debate on the subject.

Mr. ROBINSON. No; the proposition is to read the rules, rule by rule, and pass upon them.

Mr. COX. Although this matter is before the House to-day, it is not well, in my judgment, to commence the discussion now, but we should allow it to go over until to-morrow. Nor should I like to agree that only two members of this House, members of the Committee on Rules, who are absent, one I believe in Maine looking after that State, and the other in Ohio looking after something, [laughter,] that those two men should be the only members privileged to make amendments at any stage of this business. It is very important business we have before us, the consideration of our rule of conduct, and I think my friend from Kentucky will facilitate the matter by allowing it to go over until to-morrow, as it is the special order from day to day until disposed of, having all the advantage of the most favored legislation. I will make the motion that the committee rise for that purpose if I have the consent of my friend.

Mr. BLACKBURN. Certainly. Mr. Chairman, I am glad to have the sense of the committee tested by the motion being made that the committee now rise with the view of postponing the consideration of this proposed revision of the rules until to-morrow.

Mr. COX. That is all.

Mr. BLACKBURN. But I will say it was my purpose to proceed with these rules clause by clause and paragraph by paragraph, insisting, where a paragraph had been passed and agreed to, the subject was closed so far as that paragraph was concerned, until discussion was reached or difference of opinion had in the House, when I myself would have moved the committee rise in order to postpone the further consideration of the whole subject until to-morrow.

Mr. COX. Let it go over until to-morrow.

Mr. BLACKBURN. But I am willing to have the motion made by the gentleman from New York that the committee now rise in order that this matter may go over until to-morrow.

Mr. COX. I will not take the matter out of the charge of my friend for a single moment, as I do not wish to antagonize him or the committee.

Mr. BLACKBURN. I was not disposed to make the motion myself; but I am willing the sense of the committee should be tested.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the report of the Committee on Rules on the proposed revision of the rules, and had come to no resolution thereon.

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Mr. BLACKBURN. I move the House resolve itself into the Committee of the Whole on the state of the Union, to proceed with the consideration of the report made by the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The Clerk will proceed to read the report by paragraphs or clauses.

Mr. REAGAN. Is the reading by paragraphs to be considered conclusive of action on each paragraph?

The CHAIRMAN. The House has not yet made any order limiting debate, and under the rule the Clerk is obliged to proceed to read by paragraphs or clauses for consideration. There will be no limit to debate, except that no gentleman can address the commitee for more than one hour.

Mr. REAGAN. At some time after there is limitation placed upon the debate I desire to be heard.

Mr. BLACKBURN. We are not going to debate it generally at all.

Mr. REAGAN. I think at the outset before limitation is put on debate I shall ask to be heard on a portion of the report.

Mr. BLACKBURN. I inquire whether under the rule each paragraph as reported hy the Clerk will not stand as adopted by the committee unless amendment is offered to it?

The CHAIRMAN. It will. There will be, if any gentleman desires it, opportunity for general debate on the whole report.

Mr. BLACKBURN. I understand there has been no limit put upon the debate.

The CHAIRMAN. None.

Mr. BLACKBURN. But that, as the Clerk proceeds to read these rules paragraph by paragraph, they will stand as agreed to, although the debate remains unlimited, unless they amend the paragraph as the Clerk goes on?

The CHAIRMAN. The gentleman is correct.

Mr. SPARKS. I understood that the report was to be read entirely through. Was not that the order of the House?

Mr. BLACKBURN. No; we are now proceeding to consider the rules paragraph by paragraph.

Mr. RANDALL, (the Speaker.) The plan is to take up the report paragraph by paragraph, unless some gentleman wishes to speak at length. If some gentlemen wish to speak at length on the general character of the report, then they have now that right.

Mr. SPARKS. I understand that to be correct; but when you commence reading the report by paragraphs we are then under the five-minute rule.

The CHAIRMAN. No; unless the House so orders.

Mr. REAGAN. Mr. Chairman, I propose to occupy the time of the House for a few moments in a general discussion of one portion of this report of the Committee on Rules. Now, on page 5 of the Revised Rules, Rule XI, clause 7, provides:

> 7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations.]

The Committee on Rules in reporting this, on pages 9, 10, and 11 of the report, give the reasons at length which induced them to recommend this change. On page 10 of the report it is stated by the committee:

> In the Fortieth Congress, as appears from the statement of Mr. DAWES, on the 8th of February, 1873, (third session, Forty-second Congress,) the Committee on Appropriations, being busily engaged with other matters, permitted the Committee on Commerce to originate and report the river and harbor appropriation bill, and, by an arrangement made in a conference between Mr. DAWES, representing the Committee on Appropriations, and the Committee on Commerce, the latter committee was permitted to prepare and report the said bill for reference to the Committee on Appropriations, which committee agreed, after consideration, to report it back to the House with such recommendations as they believed the general expenditures of the country required them to make, and that course has several times been pursued since that agreement, although it is true that during the preceding two Congresses (Forty-fourth and Forty-fifth) the Committee on Commerce has exclusively had control and charge of the river and harbor bill.
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> The Committee on Rules are of opinion, in consideration of the fact that the Committee on Appropriations are required under the rules "to report the general appropriation bills,") in which class the river and harbor appropriation bill should, by reason of long custom and practice, be included,) that they should have entire charge of all those bills, in order that they might the more fairly and fully control the entire question of appropriation of revenue for carrying on the several departments of the Government. It follows as a logical sequence that, if any other committee is to take charge of one of the general appropriation bills, the interests therein involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.
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> For these reasons the Committee on Rules have made the foregoing recommendations with respect to the river and harbor bill, believing that no good or valid reason exists why the Committee on Commerce should originate and have complete control of the river and harbor bill that does not apply with equal force to the theory that the Committee on Military Affairs should originate and control the Army, the Committee on Naval Affairs the naval, the Committee on Indian Affairs the Indian, the Committee on the Post-Office and Post-Roads the Post-Office, the Committee on Foreign Affairs the consular and diplomatic, or the Committee on Invalid Pensions the pension appropriation bill.

After reading another paragraph or two of the repert I will look to this. It is said in the paragraph preceding that—

> The authority of the Committee of Ways and Means to report a general appropriation bill at any time, conferred on the 19th of March, 1860, was transferred to the Committee on Appropriations at the time the committee was created, and the latter committee was also clothed with all the powers and privileges with respect to general appropriation bills possessed by the former. Up to that time—

That is up to March, 1860—

> no general river and harbor appropriation bill had ever been reported by the Committee of Ways and Means, although it had reported in a sporadic way bills for the repair, preservation, completion, or construction of certain public works on rivers and harbors.

I observe, sir, the language here employed describing the character of the bills reported from the Committee of Ways and Means is the same as is always in the caption of bills of appropriations for rivers and harbors. I am persuaded that the Committee on Rules was mistaken as to a matter of fact in relation to the history of this character of bills in this respect, for I find by examination of the statutes and of the Journals of Congress through its various sessions that on the 27th of April, 1816, the Committee on Commerce reported the river and harbor bill, which became a law. In 1823, the same committee reported the river and harbor bill, which also became a law. On the 26th of May, 1824, a like bill was reported by the Committee on Commerce, which became a law. On March 2, 1827, a like bill was reported from the same committee, which also became a law.

So, then, I now come to reports made by the Committee of Ways and Means. I am speaking now of certain bills reported which became laws, leaving out of view all bills reported from either committee which never became laws. On the 19th of May, 1828, the Committee of Ways and Means reported a river and harbor bill, which became a law, and it continued through eleven successive years, down to 1838, to report like bills, which passed into laws.

Again, in 1847 it reported the river and harbor bill, and in 1853 it again reported the river and harbor bill, which became laws. It reported thirteen bills from 1828 to 1853 for the improvement of rivers and harbors which became laws, and appropriated therein $7,555,784. Now, with these facts before us, it is apparent that the Committee on Rules was mistaken in the assumption that the Committee of Ways and Means had never reported the river and harbor bill except "in a sporadic way," as they mention.

I have referred to bills passed upon reports and recommendations from the Committee on Commerce from 1816 down to 1827. Again, on the 11th of June, 1844, the Committee on Commerce reported the river and harbor bill, which became a law. In 1845 the same committee reported a like bill, which also became a law. In 1852 it reported

the river and harbor bill, which became a law. In 1856 the same Committee on Commerce reported the river and harbor bill, which also became a law, and so in 1864 the same committee reported another. From June 23, 1866, down to 1879, the Committee on Commerce reported fourteen bills, perhaps fifteen, one in 1857 failing to become a law, for the improvement of rivers and harbors.

All the bills reported by the Committee on Commerce for the improvement of rivers and harbors up to and including 1876 aggregate the sum of $51,358,982. Add to this the aggregate of appropriations for 1878 and 1879, which I set down at about $8,000,000 for each year—I have not the exact figures before me—which leaves between sixty-seven and sixty-eight millions of dollars of the money appropriated for this purpose, having been appropriated on reports from the Committee on Commerce.

This would seem to establish the position that the Committee of Ways and Means for a long time—for a great part of the time during the history of the Government—did report bills of this class; and that for many years subsequent to this the reports upon which these appropriations have been made have uniformly come from the Committee on Commerce.

But it is insisted by the committee that the Committee on Appropriations should report this bill. Among the reasons given for this are the following:

> The Committee on Rules are of opinion, in consideration of the fact that the Committee on Appropriations are required under the rules "to report the general appropriation bills," (in which class the river and harbor appropriation bill should, by reason of long custom and practice, be included,) that they should have entire charge of *all* those bills, in order that they might the more fairly and fully control the entire question of appropriation of revenue for carrying on the several departments of the Government. It follows as a logical sequence that, if any other committee is to take charge of *one* of the general appropriation bills, the interests therein involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.
>
> For these reasons the Committee on Rules have made the foregoing recommendations with respect to the river and harbor bill, believing that no good or valid reason exists why the Committee on Commerce should originate and have complete control of the river and harbor bill that does not apply with equal force to the theory that the Committee on Military Affairs should originate and control the Army, the Committee on Naval Affairs the naval, the Committee on Indian Affairs the Indian, the Committee on the Post-Office and Post-Roads the Post-Office, the Committee on Foreign Affairs the consular and diplomatic, or the Committee on Invalid Pensions the pension appropriation bill.

Now, Mr. Chairman, without discussing for the present the question of whether it would be advantageous to the legislation of Congress to refer the bills appropriating moneys for the different branches of the public service to the committees representing these several branches of the service, I propose to inquire whether it is true that the Committee on Commerce, acting upon the subject of a river and harbor bill, occupies upon that subject the same relation to the Committee on Appropriations that the other committees would occupy in the contingency mentioned here.

I will premise what I have to say on that subject by stating that there is no bill which comes before Congress that requires so much labor, so much time, and so much constant application on the part of the committee preparing it as the bill appropriating money for rivers and harbors. In the first place the consideration of this subject devolves upon the Committee on Commerce the necessity of the examination of two large volumes of reports of the Engineer Bureau and generally the examination of special reports which would make one or two additional volumes; and the hearing of members of the House and of the Senate, and of deputations from the various portions of the country desiring the improvement of their navigable waters; so that in order to consider this bill properly and intelligently, with justice to the commercial and shipping interests involved, and to know how to meet the necessities of this branch of the service, there is involved an incessant daily labor of three or four months. Can it be said in reference to the appropriations for any other department of the public service that this amount of labor, this amount of consideration, is required before a proper conclusion can be reached upon an appropriation bill? In reference to other departments of the service we have the estimates of the respective Departments and detailed statements of the wants of the service and of the laws under which appropriations and disbursements are to be made. But this committee is charged with the duty, not of executing existing law, as in the case of appropriations for other Departments of the Government, but of originating and asking for the passage of a law to promote the commercial interests of the country. There is that broad, clear distinction between the two lines of duty.

Now then, looking further at the question practically, at the means of considering such a bill, is it possible that the Committee on Appropriations, burdened with its extensive duties in considering the wants of the service in all the Departments of the Government, can have time to give the investigation and labor necessary to the preparation of this bill? I presume there is not one member of this House who believes it possible or practicable for the Committee on Appropriations to give that consideration to this subject which its importance and the very necessity of the case require. If it is not practicable therefore for the committee so to do, the question presented in the rules involves the consideration of the further question as to whether appropriations of this character are to be desired as beneficial to the general interests of the country.

Mr. STEVENSON. I would like to ask the gentleman from Texas a question.

Mr. REAGAN. I will hear the gentleman.

Mr. STEVENSON. I desire to ask the gentleman from Texas why it is that this bill alone of all appropriation bills is reported and passed under a suspension of the rules without an opportunity on the part of members to offer amendments or to discuss the bill? That has been the custom for years in this House, as I understand, and I desire the gentleman to explain why this appropriation bill, unlike all others, shall pass in that particular way.

Mr. REAGAN. Mr. Chairman, when I have finished what I have to say in the line of remark I am now endeavoring to present, I shall take pleasure in answering the question of my friend from Illinois; and if I should omit to do so I will be obliged if he will call my attention to it, for I shall be happy to give an explanation upon that point, but not in this connection.

I was endeavoring to show that it was practically impossible for the Committee on Appropriations to consider this bill, and that the recommendation of the Committee on Rules, in that view of the question, really involves the consideration of the question as to whether appropriations of this description are desirable; whether they are beneficial; whether they promote the commercial interests, and with them the agricultural and manufacturing interests of the country; whether they benefit the producers and the manufacturers of the country, and whether they benefit also the consumers of the country by cheapening transportation, by reducing the rates of insurance, and in the various ways in which these appropriations are supposed to benefit the commerce and the general welfare of the country. If it is concluded by the House that it is desirable to have such appropriations, then the questions arises, How shall we have them made? Will you intrust the preparation of a bill for this purpose to a committee that you know in advance cannot give to it the labor and consideration necessary to the preparation of a measure that will satisfy the House and the country?

But I may be answered that it is proposed in the revision of the rules that the Committee on Commerce shall go through this labor, that it shall report a bill, and that that bill shall be referred to the Committee on Appropriations. To me, Mr. Chairman, there is something in this feature of the recommendation that is singular, to say the least of it. Is it to be assumed that any one committee of this House, and especially a committee which has charge of questions relating to the commerce of the country, the mightiest interest that affects the people of this land, is to assume the subordinate position of acting as amanuenses and clerks for another committee of this House; that it is to devote three or four months of labor, day and night, morning and evening, to the preparation of a bill to be by it referred to the Committee on Appropriations, which in as many hours as we devote months to it may determine whether we have wisely, honestly, patriotially discharged our duty to the country in the framing of such a bill? Is it possible that it is contemplated that any committee of this House would assume that position? The committee which did that would be guilty of the self-confessed degradation of going through the work of reporting a bill and submitting it, not for the revision of this House, which has the rightful authority to revise all proposed legislation, but to the revision of a committee which, however able and earnest and honest it may be, cannot possibly have time to consider the subject.

These are some of the considerations which induce me to think that the recommendation of the Committee on Rules is not wise, that it is not for the best interest of the country. If a change is to be made in this respect, if the House is not willing to confide this important measure to the Committee on Commerce, I invoke the members to take it from that committee and give it to the Committee on Appropriations, and let that committee go through the labor of preparing such a bill, if it can. I ask that the House shall adopt no such rule as would require one of the committees of this House to become the clerk of another committee of this House. I cannot speak for any one else; for myself I do not feel that I was sent here to act as clerk for any member or any committee, and if I retain my reason and my self-respect I surely shall never do so.

Are these appropriations useful to the country? We have the history of this subject from 1816 to this time. We have before us the history of appropriations amounting to seventy-odd millions of dollars, for the improvement of rivers and harbors; for the deepening of the inlets to harbors and for removing obstructions from them; for deepening the channels of rivers and removing obstructions from them; for cheapening transportation and thereby benefiting the producers and consumers of the country; for reducing the rate of insurance by removing dangers, and thereby cheapening the cost of transportation and benefiting the whole American people. That is the idea upon which we proceed in the preparation of these bills. In my opinion it is a proper subject of legislation, and a useful class of appropriations, upon the supposition, of course, always that the appropriations are wisely and justly made and properly applied and administered.

If we are not to make such appropriations, if it is unwise to have them, then the House ought to say so. But if it be wise to have them,

then the House ought to adopt that course which will secure the making of these appropriations in the best possible manner. And that, I submit to the House, is the issue involved in this proposed new rule. I doubt not it will be developed that this new rule will be sustained by every member who doubts the propriety and the policy of this class of appropriations.

I was asked by my friend from Illinois [Mr. STEVENSON] why it was that these bills had been reported to the House and passed under a suspension of the rules, and without debate and consideration by the House or in Committee of the Whole. Before I answer that question I have this suggestion to make, which may be deserving of some consideration by those who have the same inquiry in mind which my friend from Illinois has made.

If the Committee on Commerce shall be required to report to the Committee on Appropriations, then the Committee on Appropriations reporting the bill to the House may secure its passage by a majority vote. Now, I would certainly oppose any scheme which would authorize a majority of the members of this House to pass such a bill under a suspension of the rules.

However, if a report from the Committee on Appropriations should not be passed under a suspension of the rules, but should be open to debate and amendment, we should then witness probably what it has been supposed all the time we would witness should such bills be open to free debate and amendment. They would soon be so loaded down with additional appropriations that no member of the House would vote for them, and in that way all such appropriations would be defeated.

Mr. STEVENSON. If that is true, is not that then a committee taking legislation out of the control of the House and trusting all such legislation as this to a committee of the House?

Mr. REAGAN. I will say to my friend from Illinois [Mr. STEVENSON] that the passing of this class of legislation under a suspension of the rules is not and has not been a favored practice with me, as I have often mentioned in this House; and I will have more to say on that subject as I go along. It is an exception to the rule of legislation; it is not the way in which I would desire to see any bill passed. It has been assumed that these appropriations are necessary, and that if these bills are brought before the House subject to debate and amendment they would be so loaded down with amendments increasing the appropriation that no member would vote for the bill, and thus all appropriations would be defeated.

I admit that this is a supposition and speculation. I have not known that it has been tested. I have been inclined to see, and I am now inclined to see, the question tested as to whether this House would so load down such a bill. I am yet inclined, as I have been in the past, to see if we report this session an appropriation bill for rivers and harbors whether that bill can go before a Committee of the Whole House and be open for free debate and amendment without being so loaded down. That is a matter yet to be demonstrated.

Mr. STEVENSON. I desire to ask the gentleman from Texas [Mr. REAGAN] whether he wishes to be understood as saying that he is afraid to trust the House with legislation of this character? If I understand his position, it is that this legislation is a matter of such sacred character that it must be left entirely in the hands of a committee; that it is unsafe to trust the House with it, for fear it will appropriate unnecessarily large amounts or defeat the bill.

Mr. REAGAN. I am sorry my friend so thoroughly misunderstands my proposition. He surely could not have been listening carefully to what I have said. I was stating what had influenced the House to adopt this course, and not my opinion. I was giving my opinion as to the influences operating upon this House from year to year to induce it to adopt the course referred to in the passage of these bills.

I would leave nothing unsaid that I ought to say, and shall not do so unless it be by accident. When I have finished the point or two which I desire to present, if I have time I would be glad to answer any question that gentleman may desire to ask; but as I am somewhat unaccustomed to public speaking I am sometimes a little disconcerted by the asking of questions while endeavoring to present my argument.

Mr. Chairman, I was saying that for myself I would desire to see a river and harbor bill put before this House for consideration in detail—first, to ascertain by practical experiment whether the supposition is correct, that that plan would defeat the passage of the bill; next, and as high as that perhaps, looking to the policy of this character of appropriations, that one such bill, at least, should come before the House and be open to free debate and amendment, because it would do much to give this House correct information as to the basis upon which such bills are framed. I understand, sir, why members dislike to vote upon a bill which they are not permitted to debate or amend. I think it is a reasonable feeling; I do not object to it; and in reporting such bills to be passed under a suspension of the rules I have been controlled by the sentiment of the House and the committee that any other course would be dangerous to the public interests by defeating such a measure.

Mr. Chairman, it will be remembered that the Committee on Rules made a report on this subject during the late extra session of Congress, providing that it should require three-fourths of the members to suspend the rules and pass a river and harbor bill. That question was brought up for consideration in this very Congress; and the action of this House was so clear and emphatic that it seems to me it ought to have been regarded as an instruction to the Committee on Rules. I have not before me the report of that committee; I am informed that it was not printed; hence I cannot state precisely the recommendation of the Committee on Rules on this subject, but upon my motion the House adopted as a substitute for the rule recommended by the committee the following:

> Hereafter the Committee on Commerce shall have the same privilege to report bills making appropriations for improvement of rivers and harbors that is accorded to the Committee on Appropriations in reporting general appropriation bills.

That proposition was adopted on the 9th of April last, after a sharp and interesting debate, by a vote of 146 yeas and 97 nays, and it seems to me the action taken at that time ought to have been regarded by the Committee on Rules as the voice of this House upon that subject, for if we regard here the rule, *stare decisis*, it settled the question for this House by an overwhelming majority. It settled the question of jurisdiction of this subject, which had been a controverted one for forty years between the Committee of Ways and Means, the Committee on Roads and Canals, and the Committee on Commerce. Thirty years ago those three committees engaged in a most interesting discussion on this subject, each committee claiming jurisdiction of it. I believe my friend from Maryland [Mr. MCLANE] was a member of the Committee on Commerce at that time. It was then determined by the House that the Committee on Commerce should have jurisdiction of the question.

At various periods there have been controversies on the reference of bills, petitions, &c., to committees. In the Forty-fourth Congress the point was made by Mr. Jones, then a Representative from Kentucky and chairman of the Committee on Roads and Canals, that that committee should have jurisdiction of this subject. The question was submitted to the Speaker, Mr. Kerr holding the position at that time, and was decided by him in favor of retaining the jurisdiction in the hands of the Committee on Commerce.

Many members will recollect the earnest contest and somewhat prolonged debate in the Forty-fifth Congress in which the Committee on Roads and Canals in a formal report, sustained by able argument, claimed jurisdiction of this subject; when the House upon full debate and careful consideration awarded the jurisdiction of the matter to the Committee on Commerce.

I thus present the several adjudications or decisions made at different times up to the one made on the 9th of April last, fixing finally by a rule of the House the question of jurisdiction and conferring on the Committee on Commerce the same powers and privileges in reporting a river and harbor bill that are conferred on the Committee on Appropriations in reporting a general appropriation bill.

In view of the history of this subject it seems to me that the recent action of the House at the extra session ought to have been regarded as an instruction to the Committee on Rules which should have prevented them, so soon after a decision of the question, from asking the reversal of the rule and a change of jurisdiction, especially from asking that any committee of the House be made clerk to another committee, to go through months of work to be passed upon in as many hours by another committee, the latter determining whether the former in the exercise of their duties as members of the committee of the House had performed those duties faithfully, patriotically, and honestly.

It is only necessary to refer to the files and records of this House to understand the importance of the character of this committee on commerce. It is only necessary to review the bills acted upon and reported by it to understand that its duty is to consider questions of the highest possible interest to the whole American people.

It is to taken for granted that the Speaker of the House in organizing a commiteee with such responsible and important duties will assign to the discharge of those duties gentlemen who have capacity to comprehend the great interests this committee is required to consider and patriotism enough to discharge the duty faithfully to the House and to the country. No committee of this House has more responsible duties to perform; certainly not the Committee on Appropriations, which simply takes the estimates of the Departments, adds, subtracts, and divides, sees how much it can cut down, without studying specially the great and peculiar interests of each Department—a committee without power to consider these subjects as they ought to be considered by the several committees who have charge of the different branches of the service. I accord to the members of the Appropriations Committee the merit of ability and industry, as we all do. I know the difficulty of the labors they have to perform. I approve their efforts to reduce in every reasonable and proper way the expenditures of the Government, but I do not consider it the very acme of statesmanship to reduce appropriations in all cases. Instead of looking to the greatest possible reduction of expenditures in all cases, I think it devolves upon Congress to consider the wants of the public service, the interests of the country, and to provide for those wants by appropriating the money necessary to give efficiency to the various Departments of the Government.

I have stated these several reasons, and have desired to do so before we entered upon the five-minute debate, and especially because I regarded the question presented in these amendments to the rules as one of no ordinary interest to the whole country.

There is another statement in regard to the suspension of the rules which I might have made in response to my friend from Illinois. The

passage of a bill under a suspension of the rules is not the passage of a bill in violation of the rules or in disregard of the will of the House. It is the passage of a bill under the rules of the House according to the will of the House as prescribed by the rules, and is the will of the House; and if the Committee on Commerce shall be able to frame a bill which will command the support and approval of two-thirds of the members of this House, then it cannot probably be very far wrong.

Now, going back to another point, I did not say all I ought to have said when speaking of my desire to see one such bill discussed by this House. Every time the river and harbor bill has come up we have had various suggestions made here on this floor about our appropriating money to improve dry creeks and suggestions that we should macadamize th m instead of providing for their navigation; that we have appropriated money for pretended creeks and rivers where there were none. And the newspapers of the country, no wiser than members of Congress, have echoed this statement all over the country. I want one bill to come before this House to put a quietus to that sort of demagogy and misrepresentation. I wish to state now, because we shall probably hear it here again and I want to state in advance of hearing it again, that since I have been on the committee, now for five years, it has never made an appropriation to improve navigable waters that were not navigated by steam-vessels before the appropriation was made. It has never made an appropriation to improve navigable waters until after a survey had been made by the Engineer Corps and the improvement of the river recommended and an estimate given of the cost of the proposed improvement. This ought to be an answer to that flippant demagogism so frequently heard through the country in the press and so often heard upon this floor.

I make this statement in the presence of the present committee and believe it is true in reference to the action of former committees. My understanding is that it has always been the rule not to make an appropriation except for navigable waters after survey made by the Engineer Corps and estimate of the cost and recommendation of the work; so that if the committee, listening to the reports of the engineers, listening to the demands of the interest of commerce, see proper to ask for an appropriation to improve the navigation for the benefit of that commerce, it is because they believe it will benefit the public interests and promote the general welfare of the country.

Now, in conclusion, Mr. Chairman, I desire to say that in my judgment the proposed change of the rule involves distinctly the question whether we shall have such appropriations made in the future. If it is the sense of this House they are not proper appropriations to be made, if it is the sense of the House the public welfare is not promoted by them, if it is the sense of the House the commerce of the country, its agriculture, its mining, its manufactures, all its interests, are not promoted by it, then let it squarely decide we shall have no such bill; or, if it thinks it should be killed by indirection, then let this committee determine to take it out of the hands of the Committee on Commerce and put it into the hands of a wet-nurse who will be certain to strangle it.

Mr. McLANE. With the permission of the gentleman from Texas, I wish to call his attention to the inquiry made by our friend from Illinois. The objection taken to the river and harbor bill in that inquiry was that it was a bill to be passed under a suspension of the rules. I would like the chairman of the Committee on Commerce to explain more fully to the committee that there is no provision in the old or newly proposed rules providing for any such passage of the river and harbor bill. The passage of a river and harbor bill under a suspension of the rules is precisely the same as the passage of the Army bill, or the Navybill, or any other appropriation bill, under a suspension of the rules, and can be ordered at the pleasure of the House. There is nothing in the rule which gives to the Committee on Commerce the preparation of an appropriation bill for rivers and harbors any authority for the passage of the bill under a suspension of the rules. Such a mode of passing the bill is subject to the order of the House when the committee reports. The inquiry, therefore, as to why a river and harbor bill should pass under a suspension of the rule is not pertinent to the question of whether the Committee on Commerce should report it or not.

The river and harbor bill is to be passed as every other bill is to be passed, either as the order of business provides or by a vote of two-thirds, which takes it out of the order of business.

Mr. MILLS. Let me say to the gentleman from Maryland that the sundry civil appropriation bill was passed last year under a suspension of the rules, and on motion of the Committee on Appropriations itself.

Mr. McLANE. Certainly; and over and over again appropriation bills have been passed by suspension of the rules.

Mr. SPARKS. That is so, of course; but does the gentlemen approve of it?

Mr. McLANE. I not only approve it, Mr. Chairman, but time and again, if bills were not passed under a suspension of the rules, they would not be passed at all.

Mr. SPARKS. Then the gentleman is in conflict with the chairman of the Committee on Commerce, because he does not approve of it.

Mr. McLANE. No, sir; the chairman of the Committee on Commerce said to the gentleman from Illinois that he was not in favor of a general rule which would enable us to pass the river and harbor bill under a suspension, and I am not advocating any such general rule. On the contrary, I am taking the distinction that there is no such rule applying to the river and harbor bill.

Mr. SPARKS. I beg pardon, but I understood the chairman of the Committee on Commerce to state distinctly that he was opposed to the principle.

Mr. BLACKBURN. The practice.

Mr. SPARKS. The practice and the principle of passing appropriation bills under a suspension of the rules.

Mr. McLANE. So am I, Mr. Chairman. To the inquiry as now put by the gentleman from Illinois, as to whether we should pass appropriation bills under a suspension of the rules, as a general thing every man would give a negative reply. It is only in peculiar cases to be judged of by this House, to be judged of by two-thirds of this House, when an appropriation bill should be passed under a suspension of the rules. And what I say to my friend from Illinois is that the river and harbor bill should stand precisely as every other appropiation bill stands.

Mr. SPARKS. Does not the gentleman from Maryland know that in the Forty-fourth and Forty-fifth Congresses no river and harbor appropriation bill was passed which was not passed under a suspension of the rules? Hence they have made it the rule, and not the exception to the rule, to pass it in that way.

Mr. McLANE. As to the last Congress and the Congress before that, it was not my good fortune to be the colleague of the gentleman from Illinois. What I say has reference to a long series of years; and though the gentleman may be able to indicate the Forty-fifth or Forty-fourth Congress, I can reply to him that if he will take the ten preceding Congresses he will find that river and harbor appropriation bills were debated as freely as any other appropriation bills. And now, with the permission of the gentleman from Texas the chairman of the Committee on Commerce, I should like to call the attention of my honorable friend to this fact, that appropriation bills, as the session progresses and the crises comes, are not only obliged to be passed under a suspension of the rules, but they are obliged to be passed without being read when they come from the committees of conference.

Mr. BLOUNT. I should like to ask the gentleman a question.

Mr. McLANE. Let me conclude this point first, as I am interested in presenting my own views of the matter. The gentleman from Illinois takes exception to the explanation that I make. Now I think I have answered him frankly and fully. Like the chairman of the Committee on Commerce, I am opposed to any general rule or to any general practice which would pass any appropriation bill under a suspension of the rules.

Mr. SPARKS. If the gentleman will allow me one moment. I think he misunderstands the position of these conference committees.

Mr. McLANE. That is another question.

Mr. SPARKS. There never has been a conference report acted upon without reading what was the action of the committee of conference. We know that in conference certain points are reconciled, but those points have always been fully explained to the House before action was taken on the report itself. In the conference committee they have the general bill and the action on that bill by both Houses.

Mr. McLANE. The reference I made to the conference committee and the conference report has nothing to do with my reply to the gentleman from Illinois on the question of suspending the rules. It was but an analogy, an illustration, and I shall not follow out that point. I merely want to make perfectly clear that the chairman of the Committee on Commerce is not at all in conflict with the gentleman from Illinois; that they are both in favor of passing these bills in the usual way under the order of business prescribed by the House; and that when those bills are passed under a suspension of the rules it is for some special reason which commends that course to the discretion of the House, so that the House determines they shall be passed by a two-thirds vote, and this power the House will possess under the old rules as under the new rules proposed by the Committee on Rules.

Mr. REAGAN. How much time have I left?

The CHAIRMAN. The gentleman from Texas has eight minutes of his time remaining.

Mr. SPARKS. Before the gentleman proceeds will he permit me to ask him whether he discussed the question why the river and harbor bill should be given to the Committee on Commerce, and why the Army appropriation bill, the Navy appropriation bill, and the Indian appropriation bill should not be prepared by the Committees on Military Affairs, Naval Affairs, and Indian Affairs respectively?

Mr. REAGAN. I did discuss that point and drew the distinction between the river and harbor bill and those other bills on account of the kind of work and on the ground that the river and harbor bill is not merely the execution of a law, but that it originates a law.

Mr. SPARKS. And your conclusion was that the Committee on Commerce ought to have this bill, while the other committees ought not to have the bills I have named.

Mr. REAGAN. I did not pass upon that question. At the proper time I propose to offer an amendment to Rule XI, striking out the words:

But they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations.

And I shall move further to amend by inserting after the word "commerce," in the seventh clause of the rule, the following:

And the Committee on Commerce shall have the same privilege to report all bills making appropriations for the improvement of rivers and harbors as is ac-

corded to the Committee on Appropriations in reporting the general appropriation bills.

That is simply the rule of the House as it now stands by the action of this House.

I desire to say in conclusion, Mr. Chairman, that while I am combating the propriety of this recommendation of the Committee on Rules, I recognize the fact that they have rendered a great service to this House in their laborious effort to give us a revision of the rules which will simplify the performance of our duties and relieve us of the embarrassment we often experience under the rules as they now are. I do not wish to be understood because I question the propriety of this recommendation that I do not consider we are under a debt of gratitude to this committee for the labor they have bestowed in the preparation of the revision of the rules now submitted.

Mr. SPRINGER. Before the gentleman from Texas concludes his remarks, will he permit me to ask him a question? I wish to inquire whether he is willing to vote for an amendment which will provide that the river and harbor bill must be considered in Committee of the Whole except by unanimous consent of the House?

Mr. REAGAN. No, sir; I am not. I will not vote for that, because I do not think this is a subject which ought to be discriminated against. I think it is a meritorious matter, and I desire it shall occupy the same relation to the action of the House as other business that comes before it.

Mr. SPRINGER. Will the gentleman vote for a proposition requiring all bills appropriating money to be considered in Committee of the Whole except by unanimous consent of the House?

Mr. REAGAN. I would not vote to change the rule as it has existed in that respect, and as it is proposed still to exist under the report of the committee.

Mr. SPRINGER. Then I will have to insist on the river and harbor bill going to the Committee on Appropriations.

Mr. GARFIELD. I care a great deal more, Mr. Chairman, about this codification of the rules as a whole than I do about any particular rule in it. I would rather that any one rule here should be dropped out altogether and the rest saved than that we should go into such a controversy about any one rule as to imperil the passage of the whole.

The Committee on Rules found themselves in this situation: Here were ninety years of parliamentary usage and a number of rules added from Congress to Congress, and from session to session of the same Congress, until they made a sort of aggregation lying together without any order except such as accident might have given to it. To simplify these rules, to get all the rules pertaining to each subject together in one place, to lop off inconsistencies, to make the rules cohesive and simple, was the great object of the committee. In order to do that we agreed that no controverted thing should go in. If any member of the committee objected we followed the rules as they stood. By that means alone we were enabled to get up our repoot at all. But we met several unsettled questions about which the House itself has differed in its own action, and we found it necessary to report something to cover cases of that kind. This rule to which the gentleman from Texas has spoken was one of those controverted cases, and we knew it would always be controverted until by some decisive action one way or the other the House settled it; and for the sake, therefore, of bringing it to an issue we all agreed to submit this form of the rule.

Now I hope that we will not stop on the threshold and go at the rule in relation to the Committee on Commerce, but that we will consider this report by paragraphs, take up each rule as we reach it, confine ourselves to it and act upon it, and thus go on *seriatim*, sticking to the thing before us and settling each as we go. In that way, and in that way alone, we will get through this code. I believe we shall then have done a great service, not only to this House but to all Houses that shall come after us, if we can get this codification through in fair shape.

I will not, therefore, at this time, enter generally upon the controversy raised by the gentleman from Texas, [Mr. REAGAN.] I know he speaks with great feeling and deep interest; and I occupy a standpoint so nearly like his own on one feature of the case that I can speak in full sympathy with him. I believe in the river and harbor legislation of this country. I believe in promoting and improving the great internal water courses of the country. I am proud of the fact that at the beginning of our great civil war, when the future and the unity of this country were threatened and in doubt, we began the business of opening these great water-ways to commerce; and $125,000,000, in round numbers, (I believe I speak within bounds,) have been paid out since 1861 for the purpose of opening our vast rivers and harbors to the commerce of the United States and of the world.

That is a glory that we ought to be proud of; and to go on with that work and culminate finally in making a perfect chain of water-ways wherever our great navigable rivers are, to open up all our harbors and to light all our coasts, is a glory for the Republic to win.

Therefore I do not speak in any view of this case as hostile to the river and harbor appropriation bill; and in no sense of the case, therefore, does my opposition depend upon any disposition to restrict or defeat any appropriation for that purpose. I speak upon another and larger view than that of rivers and harbors.

There are two committees of this House that stand, if I may so speak, with their backs to each other and facing in opposite directions. One is the Committee of Ways and Means. That committee faces out upon all the business of this country from which a revenue can be had. They ask the nation this one question, Where can we get a revenue to supply the machinery of this Government, to fill the Treasury as it ought to be filled? And they apply to all of the people of this country, to all its wealth, to all its trade, to all its commerce, and ask what contributions shall be gathered and how they shall be gathered from the people.

But that committee wants one thing before they start out upon this inquiry—they want the figures, the sum total. And they turn to the other committee which stands back to back to them, the Committee on Appropriations, and inquire of that committee how much money must we give you to run this Government for the coming year? And they get the figures from the Committee on Appropriations. That committee says to them, we will require so many millions of dollars. Thereupon the Committee of Ways and Means turns to the nation and asks for a contribution. It passes a law that tells how much the burden shall be and how that burden shall be distributed.

Now, if it is important that the Committee of Ways and Means shall know that sum total before they begin to legislate, it is equally important that some one great fiscal committee of this House shall be able to give them the figures. Now, shall it be given them by one committee, or shall the Committee of Ways and Means hunt through all the committees of this House in order to find out what the figure of our taxation is to be?

In my view, the harmony and unity of the fiscal machinery of this Government requires that these two great committees shall stand back to back; the one of them facing the people and its industries, the other facing the machinery of the Government and its necessities. One shall say that to run this great machine requires so much money in the aggregate, to be distributed in the following way. The other shall say that to get that aggregate of money requires such a tax internal. and such a tax external, to be distributed in such and such manner. The unity of our fiscal affairs must not, therefore, be broken up.

I have in this statement given the reasons that induced me to agree to the report as presented in this Rule XI. The same reasoning that would turn over the river and harbor appropriation bill to the Committee on Commerce would also turn over the Army appropriation bill to the Committee on Military Affairs, the naval appropriation bill to the Committee on Naval Affairs, the Indian appropriation bill to the Committee on Indian Affairs, the pension appropriation bill to the Committee on Invalid Pensions, and so on down through the whole list.

Now, Mr. Chairman, it is a fact within the experience of every member who has been here long that the Committee on Appropriations always finds itself confronted with a demand from each of the committees having a special subject in charge for larger appropriations than the Committee on Appropriations think should be made. There never was a time within my knowledge since I have been here when the Committee on Military Affairs did not resist the tendency of the Committee on Appropriations to cut down the appropriations for the Army. The Committee on Naval Affairs has always been found resisting the reduction of the naval appropriation bill. For this reason, I say that if each of these several committees had charge of getting up the appropriation bills on these several subjects, the amount of the bills would be very large; they would outgrow the grasp of the House, and there would be no unity in the appropriations of public money.

Let me state the practice which prevailed during the four year I was chairman of the Committee on Appropriations. That committee went over the field, and looking at all the estimates as they came from the Departments, making all the examinations we could make, we said: "There should be appropriated for the coming year, say, $290,000,000; we think we can cut the expenditures of the Government down to that figure; but to do this the Army must have so much, the Navy so much, and rivers and harbors so much." Thereupon the Committee on Appropriations informed the Committee on Commerce that the Government could afford to pay, say, $5,000,000 for rivers and harbors; and the Committee on Commerce, having that great and complex subject in hand, were asked to tell how the money ought to be distributed. The Committee on Commerce drafted the bill distributing the amount. That bill was referred to the Committee on Appropriations, and if it did not exceed the total amount which the Committee on Appropriations believed could be spared, the Committee on Appropriations reported it back and requested the Committee on Commerce to take charge of it and carry it through the House. This is the way the work was done during the four years of my chairmanship of the Committee on Appropriations.

Mr. MCLANE. Will the gentleman permit me a moment?

Mr. GARFIELD. Certainly.

Mr. MCLANE. Upon the illustration of the gentleman, referring to the Army and Navy, I wish to make a single suggestion. In view of the present rules of the House, and in view of those we are about to adopt if we approve this report, does not the gentleman from Ohio understand that if the Committee on Military Affairs reported to-day and Congress passed into law a bill increasing the Army to the extent of ten thousand men the Committee on Appropriations would be obliged to appropriate for the support of those ten thousand men?

Mr. GARFIELD. Certainly, in obedience to law.

Mr. McLANE. Precisely, and without any discretion on the part of the Committee on Appropriations. The Committee on Military Affairs having reported to this House the addition of ten thousand men to the Army, the Appropriations Committee, having nothing to do with the deliberations which induced the report, would be obliged to report the necessary appropriation. Now I wish to ask the gentleman a question in this connection. Suppose the river and harbor bill being in issue, the Committee on Commerce report a provision authorizing the improvement of a harbor which has never been included in any previous law; would not the Appropriations Committee upon the same principle be bound to report an appropriation for that river and harbor improvement? The Committee on Commerce having had referred to it a memorial for the improvement of that river or harbor, and having reported a bill for the improvement, would not the Committee on Appropriations be bound by the same principle to provide the money for that improvement?

Mr. GARFIELD. I think I comprehend the question, at least in part. The gentleman will notice this distinction: the Army is established by law; but the law which creates the Army does not appropriate the money for its support. The Navy is created by law; but that law makes no appropriation. The Military Academy is established by law; pensions are fixed by law. All the eleven regular appropriation bills appropriate money in accordance with existing law, which the Appropriations Committee is bound to obey. But the river and harbor bill is the only law for the improvement of a particular harbor. For instance, there is no standing law requiring that $3,000,000 should be appropriated to deepen the channel at Hell Gate. The only law on the subject is the appropriation which we annually make. This is the reason why the river and harbor bill stands as an exception.

If we adopt this rule as it stands in the report before us, two-thirds of the House can still suspend the rules and pass the river and harbor bill just as has been done heretofore; and they doubtless will do it. But we are now making a rule for the normal orderly course of events under the rules; and if two-thirds of the House are not in favor of suspending the rules and allowing the bill to be passed upon the report of the Committee on Commerce, as has usually been done, then the bill will go as indicated in this rule.

Mr. McLANE. The gentleman will pardon me; but he has not answered my question.

Mr. GARFIELD. Then I am very unfortunate. I will endeavor to do so if the gentleman will indicate wherein I have failed.

Mr. McLANE. The point I suggested to the gentleman from Ohio was this: the present law for the organization of the Army provides, we will assume, for twenty-five thousand men. That is the only law which authorizes the Committee on Appropriations to appropriate for the Army. Now, suppose we pass another law providing for ten thousand additional men. By the passage of that law we impose upon the Committee on Appropriations the obligation to report the appropriation for the support of those men. Now, the analogy I submitted to the gentlemen was this: the moment Congress passes a law for the improvement of a river or harbor we impose upon the Committee on Appropriations the obligation to appropriate money for that improvement. If this be true (and here is where the gentleman from Ohio did not reply to my question) then, as a matter of course, the Committee on Commerce originates a law, and having originated the law it can very well leave to the Committee on Appropriations the duty of merely appropriating the money to carry it out. If this rule had presented the case in that view I should have offered no opposition. Does the gentleman understand? If this proposed rule allowed the river and harbor bill to be perfected by the Committee on Commerce as it permits the Army organization to be perfected by the Committee on Military Affairs, I should make no objection. It is the Military Committee, not the Appropriations Committee, that decides how many soldiers we shall have. The Military Committee having decided how many soldiers we shall have, the Committee on Appropriations has nothing to do but to appropriate the money. It has no discretion whatever. It cannot reduce the pay of the soldiers as fixed by law. The law reported by the Military Committee fixes the number of soldiers; and the Committee on Appropriations appropriates the money to pay them according to the rates of pay provided by law.

No gentleman will gainsay that if this rule had provided that the money for the improvement of rivers and harbors should be appropropriated in the report of the Committee on Appropriations no exception could be taken to it, provided the Committee on Commerce was left to its proper responsibility of providing what rivers and harbors should be improved. That issue has not been presented before, and in my humble judgment it is the only issue in question. And the rule recommended to our adoption makes no such provision. It strikes between these two oppositite principles and it does it, as the gentleman from Texas, chairman of the Committee on Commerce, has very well said, in such a way that it degrades one committee, and not only degrades it but wastes its labor.

I shall not go further into the question, however, because I really want the gentleman from Ohio to give me a candid reply to the question I have addressed to him.

Mr. GARFIELD. Mr. Chairman, candor is a rare quality, and we are not all equal to it, but the best I can do I will. If the Committee on Commerce proposes a general law declaring what harbors ought to be improved and what ought not to be improved, and about how much money ought to be the plan for expenditure on any given harbor, I think that would be a good thing, and that would be wholly within the purview of the Committee on Commerce. But that should be disassociated from the appropriation, because if, for instance, the Committee on Commerce should say here is a harbor that ought to be built in the course of the next ten years, costing $10,000,000, then the Committee on Appropriations should say how much would do this year toward it. That would be wise, but I would not by any means ask a rule which would cripple the Committee on Commerce in that direction. I do not think this rule does that.

I wish to remind the gentleman that there are only eleven regular annual appropriation bills recognized by the rule. The river and harbor bill is not authorized by the rules as one of the regular bills, for the very reason that it is not provided by a fixed statute law, and I believe the best settlement which could be made of this controversy would be that a general law should be passed under the auspices of the Committee on Commerce declaring what rivers and what harbors should be declared to be by law in the line of appropriation, and then let the Committee on Appropriations make such appropriation for that year and for that purpose as they could.

Mr. BUCKNER. Is not that the practice in reference to public buildings?

Mr. GARFIELD. Yes, sir. I think the rule which prevails in regard to public buildings, might wisely be adopted in regard to harbors. For instance, under the advice of our engineers laid before Congress in the estimates, the Committee on Commerce might say that at Buffalo, New York, there shall be completed as soon as, in the judgment of Congress, the money can be spared, a harbor to cost half a million of dollars.

Mr. McLANE. That is just what I ask.

Mr. GARFIELD. And fix it by law so the Committee on Appropriations can all work to that end on one plan. The rule is not inconsistent with that. If the gentleman will put that into the rule, I will be glad to sustain him. At any rate, I say in conclusion, I would rather this rule should all go out, lose it in any form, than lose the body of rules we have before us.

Mr. KENNA. I wish to ask the gentleman from Ohio why an exception is made by this report to this river and harbor bill?

Mr. GARFIELD. For the reason the whole eleven appropriation bills are now fixed by statute law; and the river and harbor bill stands outside of law and is a sort of law to itself. It was thought by the committee that as there was a struggle every winter here over it as to where it should go, and as there is no fixed rule of the House about it, it was best to make this general rule. The rule the gentleman from Texas quoted a little while ago was only the rule for that Congress. It did not become a general rule to bind this Congress.

Mr. RANDALL, (the Speaker.) We have not acted in variance to that judgment at all, for we have inserted here that the Committee on Commerce shall make up that bill.

Mr. GARFIELD. We have here for the first time in our general rules conferred on the Committee on Commerce the power to make up this bill. They never had that power before by general rule. They have it here for the first time, and the only objection they make is that they shall be compelled to refer it to the Committee on Appropriations.

Mr. HOOKER. Mr. Chairman, I am glad that the Committee on Rules, to whom was referred various propositions looking to the amendment of the rules, have been so nearly unanimous in the views they entertain as to the necessity of a change in the rules as they at present exist. Those of us who have been here for the past five or six years have observed that the rules as they are now in force seemed to be designed as impediments in the way of legislation rather than as aids to it. We all feel the necessity, therefore, that there should be a change in the rules of the House, and a radical change, in order that a set of rules may be adopted which should have for their object the furthering of the legislation of the country and not the impeding of it.

And in addition to that, Mr. Chairman, it is well known to all the old members of the House who have served here for years that the rules of this House differ so materially from the parliamentary rules which govern deliberative bodies throughout the world, including the Parliament of England and the Assembly of France, as well as the Legislatures of our own States—that they may be said to be in that regard *sui generis*. They are not so in any other deliberative assembly that I am aware of, other than the House of Representatives of the Congress of the United States, and therefore the necessity has forced itself upon us to constitute a committee for the purpose of changing these rules.

They have made their report upon the subject. They have reduced the number of the rules from one hundred and odd to about forty-six in number. They are comprised upon the pages of this report of this committee, within eleven or twelve pages—the entire number of rules necessary for the government of the House—and I doubt not the report of the committee will receive the approbation of the House and be adopted by it. They have, however, Mr. Chairman, not adopted some of the suggestions that some of us had the honor of making at the extra session of Congress as well as at the beginning of this session. I had the honor myself to submit a series of resolu-

tions, which were referred to the Committee on Rules, embracing my views of the subject and contained in this book, which I will send to the Clerk's desk and ask him to read.

The Clerk read as follows:

Mr. HOOKER. I offer as a substitute for the pending proposition what I send to the desk.

The Clerk read as follows:

"*Resolved*, That the committee to revise and reform the rules of this House be, and they are hereby, instructed to report at an early day an amendment of the rules of the House so as to provide—

"First. That the Committee on Military Affairs shall receive the estimates and report the bills for the annual support of the Army of the United States, and receive the estimates and report the bill for the annual support of the Military Academy at West Point.

"Second. That the Committee on Naval Affairs shall receive the estimates and report the appropriation bills for the annual support of the Navy of the United States.

"Third. That the Committee on Foreign Affairs shall receive the estimates and report the appropriation bill for the maintenance and support of the diplomatic and consular system of the United States.

"Fourth. That the Committee on Indian Affairs shall receive the estimates and report the appropriation bill for carrying out the treaties and obligations of the Government of the United States with the various Indian tribes.

"Fifth. That the Committee on the Post-Office and Post-Roads shall receive the estimates and make the appropriation for support of the Post-Office Department of the Government.

"Sixth. That the Committee on Commerce shall receive the estimates of the Engineer Department and introduce the annual appropriation bill for improvement of rivers and harbors.

"Seventh. That the Committee on Invalid Pensions shall report the appropriation bill for the payment of pensions.

"Eighth. That the Committee on Appropriations shall receive the estimates and report the appropriations for the legislative, executive, and judicial departments of the Government, and the sundry civil service bill and all deficiency bills.

"Ninth. That the Committee on Public Buildings and Grounds be authorized to report all appropriation bills for such public buildings as the needs of the Government may require."

Mr. HOOKER. I have now caused to be read, Mr. Chairman, the resolutions which I received permission of the House to offer, and which were referred to the Committee on Rules, in order that I might thus possess the committee of the views I entertained as to the amendments which were necessary.

When I come to look at this report of the committee, and get to Rule XI, I find that so far from distributing the powers of the House to the respective committees named as above, they have on the contrary made a report the object and purpose of which seems to be to deprive the Committee on Commerce of the right to do what alone, under the rules as they now exist, they can do—report to the House itself.

And it is proposed that this committee, whose bills have usually been passed under the spur of the previous question without debate, shall report to the Committee on Appropriations, or at least whatever they do report from the Committee on Commerce shall undergo the investigation of the Committee on Appropriations before it shall receive the consideration of the House.

Now, what is the argument that is offered for giving to the Appropriations Committee the consideration of the question of what amount you shall appropriate for the Navy, or for the Military Academy, or for the Post-Office, or Indian affairs? What, I say, is the argument offered? I have heard none, sir, except the graphic figure used by the gentleman from Ohio [Mr. GARFIELD] who has just addressed the committee, in which he says that the two great committees, the Committee of Ways and Means and the Committee on Appropriations, stand, as it were, back to back, the one with its face confronting toward the people providing the means for carrying on the Government, and the other with its face confronting toward the great heads of the Departments to respond to their demands.

I say, sir, so far from these being the functions of these two great committees, I have sat in this House, not so long as the gentleman from Ohio, but I have sat here long enough to see that that great committee which ought to stand at the very head of the committees of this House with reference to the great interests of the people in determining the mode, and means, and ways in which the Government shall be supported has been dwarfed in its importance as every other committee has been dwarfed, and the House itself has simply shrunk, if I may use the expression, into a committee whose functions are to pay out the money of the people in accordance with the estimates of the heads of Departments. I say, sir, that the Committee of Ways and Means has functions second in importance to those of no other committee of this House and that it should not, in the language of the gentleman from Ohio, look merely to what the Committee on Appropriations may say, but that in its own judgment and in its own wisdom it should look to the condition of the material interests of the people of the country and the necessity of lifting from them the great burden of taxation which has paralyzed every industry and almost crushed the energies of the people. I say that committee should look to the question as to what the people can stand in the first place in the shape of taxation and what the Government in the exercise of the most rigid economy may require.

Nor does it follow that the Committee of Ways and Means should limit its consideration alone to what the Government may need now. It ought to adopt a system of taxation with reference to the income from imposts on foreign goods and with reference to the internal affairs of the country as low as can possibly be adopted consistently with keeping up the credit of the Government and carrying on its ordinary fiscal expenditures.

I do not see, therefore, that there can be any committee whose importance can be greater than that of the Committee of Ways and Means; and if the Appropriations Committee is to stand behind the Committee of Ways and Means and dictate the amount of the taxation and the manner and mode in which it shall be laid, then you may as well dispense with the Committee of Ways and Means as you have virtually dispensed with the operations and functions of many of the other committees. Those committees have separate and independent functions to perform and ought to exist independently; and the same reasons that I have urged with regard to these two committees may be applied to every committee of this House.

Why is it that the committee to which are referred the estimates for the support of the Army and of the Military Academy is not as competent to determine the amount of the appropriation to be made and recommended to the House as the Appropriations Committee? What peculiar virtue has the Appropriations Committee that it should possess itself of information upon those questions over and above the information which is possessed by the committee that should investigate every question relating to the Army, determine every soldier to be brought into the field, determine the modes of equipment, determine the points at which the Army is to be stationed and everything else in reference to its equipment and employment? Why is it that the Committee on Appropriations possesses more power than the Committee on Military Affairs to determine what ought to be appropriated for the Army? And the same reasoning may be applied to the Committee on Naval Affairs, to the Committee on Post-Offices, and to every other committee in the House.

Why is it that a particular committee styled the Appropriations Committee should know better than the Naval Committee, with my friend from Tennessee [Mr. WHITTHORNE] at its head, what amount is necessary to be raised for the support of the Navy?

It is said by the gentleman from Ohio [Mr. GARFIELD] that if you distribute thus the powers of the Appropriations Committee, restricting that committee to the consideration of the legitimate subjects belonging to it, namely, the appropriations for the legislative, executive, and judicial expenditures of the Government, the appropriations for the civil-sundry service, and the appropriations in the deficiency bill, which are the functions that properly belong to the Appropriations Committee, and if those three committees having in charge the Army and its support, the Navy and its support, the postal service and its support, are to report the appropriation bills for those branches of the service—that if you thus divide the powers of making appropriations in the hands of the various committees you will increase the amount of the appropriations.

It may be, Mr. Chairman, that such would be the result, but it might be a wise increase of the expenditures instead of an injudicious one; for sometimes a foolish economy is more to be blamed than a lavish expenditure; and yet I am in favor of restricting the expenditures to the lowest amount possible in the interest of the people who pay the taxes. I am at the same time not in favor of crippling any department of the Government by a niggardly dispensing of the taxes which the people pay. I see no reason, therefore, why each committee in this House having charge of the consideration and study of the branch of the public service intrusted to it, together with the estimates for its support, should not make its own report to the House of the amount which is necessary for the support of the respective Departments which fall under their care, and I have heard no reason offered why they should not possess it.

I am sure there can be no wisdom in one recommendation which I find in this report of the Committee on Rules, namely, the proposition that when the Committee on Commerce makes its report that report shall go to the Committee on Appropriations. The Committee on Commerce, Mr. Chairman, is an important committee; it has been so for a long period of time, and I am unwilling to see its powers now diminished or suspended, as it were, by referring its work to another committee. It was stated by the distinguished gentleman from Ohio that since 1862 for the improvement of the rivers and the harbors all along our Atlantic and Pacific coasts, and in the interior, $125,000,000 had been expended; and yet, sir, if I am right in my recollection of the estimates, of these $125,000,000 expended only about five or ten millions have been expended in the great valley of the Mississippi, where you have more rivers and more river frontage and more navigation than in every other portion of this land. It has gone elsewhere, and we do not now want to see the powers of the Committee on Commerce, which has this subject in charge, crippled by being placed under the necessity of reporting to any other committee.

That great valley of the Mississippi has received, comparatively speaking, little of the paternal care and regard of this Government; and yet when we look at its vast extent, embracing as it does twenty-four States and six Territories, holding within it navigable waters of fourteen thousand miles in extent and with five thousand miles of operating railway, constituting the great conduit pipe by which the great commerce of the West floats down the Father of Waters to the Gulf of Mexico, thence to be distributed to the starving millions of the Old World—when we look at these waters bearing upon their surface a greater amount of commerce than is borne anywhere else, I say that I would be unwilling to see the powers of the Committee on Commerce, which have been directed in some degree to the development of these great resources, diverted to any other committee.

I have said that that region constituted one of the vastest regions of our country. It should be remembered that it embraces seven-

tenths of the population of the United States. It embraces every variety of climate, from where the first sources of the Mississippi start from the mountains to where it empties its vast waters into the Gulf of Mexico. It embraces that great agricultural region out of which you have carved Territory after Territory, and State after State, until now, in columnar grandeur, supporting the great entablature of the Union, it extends from the Atlantic to the Pacific Ocean. That region constitutes the means by which you must develop the great resources of this great people, and we do not now want that this Government shall pause in its work, or that any amendment shall be made to the rules of the House which shall cripple the powers, destroy the utility, and prevent the investigation and consideration of this subject by this committee.

What sense is there in asking that the Committee on Commerce shall report to any other body than this House? That committee is created by the House for the purpose of considering and investigating this very subject. Why should it report its labors to any other committee? Why should its work undergo investigation by any other committee? Why should any other committee say what this harbor requires or what that river needs? Why should any other committee be called upon to pass upon the fact whether the Committee on Commerce has properly considered the question?

I may be permitted further to say that so far as I am individually concerned I have never particularly desired, and have rather been opposed to, the passage of bills coming from this committee under the spur of the previous question, and more particularly as that previous question has been administered under our rules as they now exist.

In almost all parliamentary bodies where the previous question prevails, in the old country and in this, the ordering of the previous question cuts off debate by every one. Here the practice prevails that discussion shall be had for a limited time after the previous question has been ordered, for an hour on the part of the person reporting the bill to open the debate and an hour to close it. I say I have been rather opposed to this, because I believe that this is a form of the assembly of the people of the United States who meet here to discuss questions of great interest to them, whether relating to river and harbor bills or to one measure or another. This is the arena of debate, of investigation, and of discussion.

I have been taught for one that the conflict of mind with mind serves rather to elicit truth, to illustrate facts, and to endear great principles to the hearts of the people. I have not been afraid of discussion, and I am not afraid of discussion when the Committee on Commerce shall report its bill. Let such bill pass upon its merits, as every other bill should pass, after full, free, and untrammeled discussion, wherever the subject involved is of sufficient magnitude to require it.

The appropriations recommended by the committee are often large, amounting to many millions of dollars. While I am in favor of retaining all the powers of that committee, of referring to them the subject of the improvement of rivers and harbors, and having their judgment upon the necessity of such improvement and the amount of appropriations required for that purpose, let that subject be discussed in the House, and let the House pass upon it. If at any time they prepare a bill making appropriations for the improvement of rivers and harbors, let that bill take its place upon the Calendar as other bills.

It may be said that sometimes the House will fail to pass such a bill. That may be so. It did fail to pass one at the second session of the Forty-fourth Congress; not, however, for the reason that it was canvassed, that it was discussed. The distinguished gentleman from New York who then represented on this floor the city of New York, Hon. Elijah Ward, whom all of us who were associated with him here remember with so much pleasure for his great ability and for the zeal and care with which he studied every question presented to him, was notified by the friends of the bill that if he did not permit discussion to be had and amendments to be offered, however reluctant they might be to oppose a measure reported by a gentleman holding so high a position before the House, they would defeat his bill. They did defeat it; and that created a necessity for the large river and harbor appropriation bill reported at the next session of Congress.

I say, therefore, Mr. Chairman, that in my judgment this eleventh rule ought to be so amended that the several committees of this House—the Naval Committee, the Military Committee, the Postal Committee, the Committee on Indian Affairs, and so on through the entire list—who are required in the line of their duties to investigate and study particular subjects at every meeting of the committee from the beginning of the Congress to its close, should have power to pass upon the question of appropriations for their particular Department, subject alone to the revision of that body by whose authority and under whose instructions they act. Each committee should report the amounts necessary to carry on the Department under its charge, and that report should be considered by the House without the intervention of any other committee.

I know that we are obliged to trust much to committees. We trust largely to the Committee of Elections—too much, I am afraid. We trust largely to committees on other subjects. But it is the duty of the House, the deliberative assembly of the people, to investigate and ascertain the true interests and wants of the country; and therefore this proposition that the Committee on Commerce, or any other committee, shall report to the Committee on Appropriations is an unwise departure from the true principle of legislation which ought to govern us in the adoption of rules which may exist for a hundred years.

In acting upon these rules my desire is simply to facilitate and enlighten the legislation of the House. I know of no partisan views in connection with this question. I think that this proposition to cripple the powers of a committee as to the amount which ought to be appropriated for a matter that it has passed upon should be struck out; that each of the great committees of the House should report directly to the House, giving its reasons, presenting its facts and figures, challenging the judgment of the House, inviting opposition and discussion.

I have said enough to indicate my views. When these rules shall come up for discussion *seriatim*, as I have suggested to my friend from Kentucky, when this particular rule shall come up separately, I shall take occasion to offer the amendment which I have indicated. Whatever other members of the House may think, I shall insist that the great committees of the House should be in the first place the investigators of the subjects confided to them; should consider how the Army is to be constituted, how the Navy is to be constituted, &c., and that then the question should be left to the decision of the House, which can make reductions if there should be proposed any appropriations in excess of those which prudence, economy, and good judgment demand.

Mr. RANDALL, (the Speaker.) Mr. Chairman, it was not my intention in the discussion of the new rules to enter further into the debate than might be necessary to explain to the House by illustration the effect which the operation of any proposed rule would have in the matter of facilitating business. But I feel it incumbent upon me here to-day, in view of what has been said, to state that there was not on the part of any member of the Committee on Rules the least intention to enlarge or abridge the powers of any committee of this House, or to suggest even by inference anything derogatory to any committee. If I had supposed that our report, even by implication, could have had any such effect, I never would have given the report my sanction.

Some gentlemen have gone so far as to say that by this report the Committee on Commerce is degraded. I deny it. On the contrary, I assert that the Committee on Rules has followed the wish of the House in giving to the Committee on Commerce the preparation of the river and harbor bill. We have simply said that in our judgment the manner of making up and considering such bills, and as to the extent usually appropriated having been the subject of public criticism, that a change in this respect was needed. We have not, even in the rules, proposed to debar the House from the right to suspend the rules and pass the river and harbor bill by the two-thirds vote heretofore allowed; we have simply confined ourselves to an admonition to the House, respectful in the highest degree, that, first, the time has come when the appropriations for rivers and harbors, which are "a law unto themselves," should have fuller consideration in the body called upon to take the responsibility of their passage; and, secondly, that the amounts appropriated heretofore have been in excess of the public requirements. In illustration of this and in answer to the proposition which is to be made later, that the preparation of the general appropriation bills should be directed among many committees, I want to show the effect during ten years of the separation of the river and harbor bill from the other bills known as general appropriation bills.

The general appropriation bills are framed in obedience to law, and no legislation changing law can be put on such a bill unless it be in the direction of economy. That is a power which, so far as my influence extends, I never wish to see destroyed or changed, for it is one tending to the protection of the people against extravagant expenditures. It involves the control of the people over the amount of money that is to be expended; and it should never be given up.

I desire the Clerk to read a statement of the appropriations made for rivers and harbors during the last ten years. By this statement it will be seen how under this mode of separate legislation these appropriations have gradually increased till they have become excessive in amount. The Committee on Rules thought it desirable to provide a remedy, so that the Committee on Appropriations should say practically how much money should be appropriated in a given year for rivers and harbors. Neither was there enmity in the Committee on Rules toward the improvement of rivers and harbors. Only these two points were considered: first, the manner in which these bills have been passed; secondly, their amount.

The Clerk read as follows

First session, Forty-first Congress, year ending June 30, 1870	$2, 900, 000
Second session, Forty-first Congress, year ending June 30, 1871	3, 945, 000
Third session, Forty-first Congress, year ending June 30, 1872	4, 407, 500
Second session, Forty-second Congress, year ending June 30, 1873	5, 588, 000
Third session, Forty-second Congress, year ending June 30, 1874	6, 102, 900
First session, Forty-third Congress, year ending June 30, 1875	5, 218, 000
Second session, Forty-third Congress, year ending June 30, 1876	6, 643, 317
First session, Forty-fourth Congress, year ending June 30, 1877	5, 015, 000
Second session, Forty-fourth Congress, year ending June 30, 1878. No appropriation. Bill reported. (H. R. No. 4617.) Did not pass.	
First session, Forty-fifth Congress. No appropriation. Extra session. No bill.	
Second session, Forty-fifth Congress, year ending June 30, 1879	8, 201, 700
Third session, Forty-fifth Congress, year ending June 30, 1880	7, 846, 600
	54, 968, 217

Mr. REAGAN. I will ask from the gentlemen from Pennsylvania permission to contrast those figures with others which I have here, and which do not at all agree with those which have been read by the Clerk, some being higher and some being lower.

Mr. RANDALL, (the Speaker.) The figures read by the Clerk were made by an able officer of this House, and if they are not correct I do not know where we are to get correct statements of appropriations made by Congress.

Mr. REAGAN. The statement which I have here is drawn up from the law itself, and, with the gentleman's permission, I wish the figures to go in along with those given by him, in order that they may be contrasted together.

Mr. RANDALL, (the Speaker.) I do not object to the gentleman making the statement he desires.

Mr. REAGAN. The appropriation of March 3, 1871, instead of two millions and odd dollars, was $407,500. The appropriation of June 10, 1872, instead of $3,000,000, was $5,538,900. The appropriation of March 3, 1873, instead of the amount given, was $6,102,900. The appropriation of June 23, 1874, was $5,193,000, and the appropriation of March 3, 1875, $6,643,517.

Mr. RANDALL, (the Speaker.) I have only to say, Mr. Chairman, that the figures which I have presented I obtained from an officer of the House and I believe them to be authentic. Whether they are exactly correct or absolutely authentic or not, they show one thing, and that is the constant increase from year to year of these appropriations for the improvement of rivers and harbors until from two millions in the first session of the Forty-first Congress, they have gone up (second session of the Forty-fifth Congress) to eight and a quarter millions of dollars a year. And it must be recollected that these appropriations do not include the sums of money voted for the Eads jetties, which is a separate matter.

Mr. KENNA. The gentleman is mistaken as to one appropriation bill, the one before the last, which includes a large sum for payment to Mr. Eads.

Mr. RANDALL, (the Speaker.) There may be an exception of that one item.

Mr. KENNA. It is an appropriation of nearly one million of dollars, a very large sum of money.

Mr. RANDALL, (the Speaker.) But how much preceding and since that has been appropriated to Mr. Eads not appropriated in the river and harbor appropriation bills?

Mr. KENNA. I believe this is the only one.

Mr. RANDALL, (the Speaker.) How much is the whole appropriation to Mr. Eads?

Mr. KENNA. Several millions; but I connot give the exact amount.

Mr. RANDALL, (the Speaker.) About five millions, I believe. I do not wish to go into any general discussion of this matter, but I do wish to say to this House that the figures presented warn us against the adoption of any proposition looking to the division of the duties of the Committee on Appropriations.

Mr. BARBER. Will the gentleman allow me to ask him a question?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. BARBER. Why would not the same end be accomplished if we were to require the Committee on Appropriations to ascertain and report to this House the amount available at an early day in the session for the purpose of improving the rivers and harbors; and let that go to the Committee on Commerce to inform them of the greatest amount available for the purpose?

Mr. RANDALL, (the Speaker.) That would be a great deal better, and then the Committee on Commerce could conform to that amount of money which was thought could be expended out of the public funds for that purpose. There is really no good reason why some such provision should not be made by amendment of the rules.

But, Mr. Chairman, what I wish to say is this, that if you undertake to divide all these appropriations and have many committees, where there ought to be but one, you will enter upon a path of extravagance you cannot foresee the length of or the depth of, until we will find the Treasury of the country bankrupt.

I should not have said so much except, perhaps, to impress upon the attention of every member of this House that the Committee on Rules, in discharge of the duties confided to them, have acted only from the most conscientious motives and from no disposition whatever to secure the enlargement of one committee to the derogation or abridgement of the powers of another. Such a thing never was spoken of or thought of in that committee, much less adopted as a rule to control its action. The whole revision of the rules was entered upon solely and simply in the discharge of a great public duty which ninety years of experience in government had proved to be absolutely essential and now required.

It will be seen in the proposed rules that we have given to unobjectionable legislation every possible facility, and, furthermore, that to all general legislation which does not provide for payment out of the Treasury of money we give an advantage which it never yet has had and cannot have under existing rules.

Mr. REAGAN. I wish to ask the gentleman if he will allow me to make just one suggestion at this point?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. REAGAN. It has, no doubt, escaped the gentleman's attention that one reason existing for the increase of appropriations for rivers and harbors is this: that up to the Forty-fourth Congress substantially nothing was appropriated for waters in the Southern States. Since the Forty-fourth Congress up to now the appropriations covered the territory of the whole Union, and necessarily that has increased the amount of the appropriations. And beside that the settlement and extension of population have demanded an increaes of appropriations.

Mr. RANDALL, (the Speaker.) That I admit is a reason for an increase of the appropriations, but still I maintain, Mr. Chairman, that the amount of money expended for this purpose, without discussion or amendment, is much greater than it should be, even in the view the gentleman from Texas presents. If we limited the amount every year for the improvement of rivers and harbors so as not to be burdenscme upon the people I have no doubt it would be agreed to and accepted by all sections of the country.

Mr. MILLS. May I ask the gentleman frow Pennsylvania a question?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. MILLS. Have not the appropriations for rivers and harbors generally run much below the estimates of the engineers? Have not those appropriations been much more below the estimates of the engineeers than appropriations in reference to the disbursements under other Departments of the Government?

Mr. RANDALL, (the Speaker.) One is regulated by law, the other not; that is, the estimates for carrying on the service of the several Departments of the Government are regulated by law, the other is not. Let me say to the gentleman from Texas that if we had followed the estimates of the Engineer Corps I fear we should have had a bankrupt Treasury long ago. I suppose the gentleman from Texas can answer as well as I can the question how far in excess the estimates of the engineers have been over the amounts appropriated for the improvement of rivers and harbors, but I incline to believe they will be found to be enormous.

Mr. MILLS. You mean for the whole amount of work contemplated.

Mr. RANDALL, (the Speaker.) I mean to say that the estimates of the Engineer Corps, which I say are enormous, have been far in excess of the amount appropriated by Congress.

Mr. MILLS. That will show that the works for which appropriations were made were necessary for the development of our commerce.

Mr. RANDALL, (the Speaker.) Any member of Congress, I believe, can go up to the Engineer Bureau and have an estimate made for any particular work desired in his district. If he cannot get it there all he has to do is to come down here and make his application for a survey, almost in manner as we do with post-routes, through the petition-box, for the House never refuses such an application by a member, and in that way secure a report and estimate from the Engineer Bureau.

Mr. CONGER. I think the Speaker is entirely mistaken in the statement just made. As I understand, these surveys by the board of engineers are not made unless ordered by the House.

Mr. RANDALL, (the Speaker). All a member has to do in order to get a survey and report from the board of engineers is to make application as I have suggested. I never have known in a single instance where such an application has been refused.

Mr. CONGER. They are ordered by law.

Mr. RANDALL, (the Speaker). Yes, but did the gentlemen ever hear of a mail-route being refused in this House, or application for survey of a proposed public improvement?

Mr. CONGER. These surveys are included in the river and harbor appropriation bills.

Mr. RANDALL, (the Speaker). I know they are, but they are secured in the way I have mentioned.

Mr. CONGER. The engineers, in the discharge of their duty, report to this House the expense of making proposed improvements.

Mr. MILLS. They report against a great many.

Mr. RANDALL, (the Speaker). As I have stated, any member may secure a survey. I have never heard of an instance where a survey, when asked by a member to be made for an improvement in his district, was refused.

Mr. CONGER. A large number of those asked for are reported against, as our experience has shown.

Mr. O'NEILL. Let me suggest to my colleague that if he should go up to the Engineer's Department to see how much by his individual exertion he could get the Engineer Corps to recommend should be appropriated for the improvement of the Delaware and Schuylkill Rivers, he would find that he would come away very much disappointed.

Mr. RANDALL, (the Speaker). I never went there in behalf either of the Delaware or Schuylkill River.

Mr. O'NEILL, Nor any other.

Mr. RANDALL, (the Speaker). I want to tell the gentleman that my course in this House in respect to appropriations was to strike my own home as deeply as I struck anybody else's.

Mr. O'NEILL. That is just where we object to the conduct of my colleague, the Speaker, the member from the third district of the State of Pennsylvania.

Mr. RANDALL, (the Speaker). I am afraid if the House had taken the gentleman's judgment as to the expenditure of public money we should have had to make a higher tariff.

Mr. O'NEILL. I want to say that this constant democratic advocacy by the member from the third district of Pennsylvania of retrenchment has not been in accordance with the wishes of his constituents or those of the people of Pennsylvania.

Mr. RANDALL, (the Speaker). Then why do I come back? [Laughter.]

Mr. O'NEILL. I will answer why it is the gentleman comes back. It is in consequence of his individual and personal exertions. But I want to say in reference to this very advocacy of retrenchment which my colleague says is for the people—I think that was his remark—in the progress of this country and in the great growth of its commerce it is for the people to say through the Committee on Commerce of this House, and the Committee on Commerce as much represents the people as does the Committee on Appropriations—it is for the people to say through that committee how many millions of dollars they will annually expend on the river and harbor improvements of the country.

Mr. RANDALL, (the Speaker.) My friend has always been an advocate of resumption.

Mr. O'NEILL. Always.

Mr. RANDALL, (the Speaker.) Now, I maintain that democratic economy was the real road to and produced resumption.

Mr. O'NEILL. Well, I would like to know where the Speaker has stood in reference to resumption. In New York he has been on both sides. In Pennsylvania I do not know where he has been, for during the whole of the last campaign his whole time was devoted to patching up the difficulties in New York State between Tilden and Tammany.

Mr. RANDALL, (the Speaker.) And I should have been glad if I had succeeded.

Mr. O'NEILL. I have do doubt the gentleman would have been glad if he had succeeded. But he did not succeed; and I refer him to the depressed vote on account of his absence in his own district, running down from 3,000 in November, 1878, to a little over 800.

Mr. RANDALL, (the Speaker.) When I run again I will try and bring it up.

Mr. O'NEILL. Perhaps not. I ask you, Mr. Chairman, just to indulge me one moment further.

Mr. COX. I rise to a point of order. I wish to know what the divisions in New York have to do with the revision of the rules.

Mr. O'NEILL. Perhaps, Mr. Chairman, I have had more experience on the Committee on Commerce than any other member at present in this House. I had the honor to be on that committee in the Thirty-eighth Congress, and subsequently to the Forty-second Congress. The gentleman who presided over that committee in the earlier period of my service in this House and my membership on that committee was Hon. Elihu B. Washburne. There never was a nobler man, or one truer to the interests of the country, and in the advocacy by Mr. Washburne, as chairman of that committee, of the improvement of rivers and harbors justice was done to the country with a due regard to the condition of the Treasury.

Mr. McCOOK. I wish to ask the gentleman a question. Is this intended as a Washburne boom? [Laughter.]

Mr. O'NEILL. I wish to do justice to the men who stood by the improvements of the country as demanded by the people. The gentleman who succeeded Mr. Washburne as chairman of that committee was Hon. Thomas D. Eliot, of Massachusetts, also a man whose career in Congress was very distinguished. Subsequently to him another distinguished member was chairman of that committee, Hon. Nathan Dixon, of Rhode Island.

Now, sir, take the chairmanship of the committee to-day. I am sure that that committee and its chairman can be intrusted with this great work of making up the river and harbor bill. The Speaker selected the members of the committee; and taking the fifteen members of that committee—or take fourteen members of that committee, leaving myself out—I will say they will compare favorably in point of industry and patriotism and well-doing as representatives of the people who sent them here with the individual members of the Committee on Appropriations, and that they are just as fit to pass upon this bill as the latter committee.

Mr. RANDALL, (the Speaker.) The proposed rule so accepts.

Mr. O'NEILL. Yes; but their report is to be submitted to the Committee on Appropriations. Why, sir, such men as Mr. Washburne and Mr. Eliot and Mr. Dixon, who, in succession, were chairmen of that committee, would not for a moment have tolerated in this House that their work upon a river and harbor bill should have been reviewed by a Committee on Appropriations or the Committee of Ways and Means, which had charge of appropriations in those earlier Congresses. Until the present Vice-President, Mr. WHEELER, was made chairman of the Committee on Commerce such a thing was unknown as that that committee should be compelled to consult the Committee on Appropriations as to what they had done. I happened to be a member of the Committee on Appropriations at that time, and I recollect with what amazement and surprise, to me at least, the proposition was received that the Committee on Commerce, a co-ordinate committee of this House, should have to come into the room of the Committee on Appropriations and ask them whether we should appropriate one, two, three, or four millions of dollars for the improvement of the harbors and rivers of the country.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) I resume the floor and yield to the gentleman from West Virginia, [Mr. KENNA.]

Mr. KENNA. I thank the gentleman from Pennsylvania [Mr. RANDALL] for his courtesy in yielding to me a portion of his time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] has thirty minutes of his hour remaining.

Mr. KENNA. And that is more than I shall consume. I had desired, however, to submit a few observations upon this proposed amendment as reported by the committee while the discussion is not limited, as I understand it soon will be, under the five-minute rule.

What is known as the river and harbor appropriation bill differs in some material particulars from every other appropriation bill that comes before the House. Of all the members who compose the House of Representatives there is not one who does not recognize the fact that the regular appropriation bills are essential to the maintenance of the different Departments of the Government, and of the Government itself. Every member will concede that all of those bills in some shape must and ought to be passed.

It is not so with reference to what is known as the river and harbor appropriation bill. There is a respectable minority in this House, more respectable in character than in numbers, which is opposed upon principle to the passage of any river and harbor bill, or of any bill for any sort of internal improvements whatever. Hence it is that those who favor the carrying on of the general system of improving rivers and harbors which is now in progress in this country find in this House, when they come to it with a river and harbor appropriation bill, an element of opposition which is not found in antagonism to any other appropriation bill that comes before us; hence, also, the danger indicated by the gentleman from Texas, [Mr. REAGAN,] that when a river and harbor appropriation bill comes here, should it be considered in Committee of the Whole, those representing particular sections in whose behalf amendments may be offered, combining with that element which represents no particular section desiring such improvements, for these constitutional scruples generally travel by dry land, will succeed in loading down the bill with amendments, and making the appropriation amount to such a sum that in the end if passed at all it will be an enormity, and if defeated it will be defeated as an entirety, and merit and demerit will stand and go down together.

That is the only good reason I now see, or have ever seen, in opposition to bringing this bill into Committee of the Whole for consideration. I say now to those gentlemen who have constitutional scruples against the passage of any such bill, that if they will devote themselves to the perfection of the river and harbor appropriation bill, with a view to secure as good and proper a bill as possible, instead of devoting their attention to its absolute defeat by any sort of parliamentary device that can be resorted to, they will accomplish their purpose much better and do the country more satisfactory service than they will ever do by any effort to strangle this bill through the adoption of an amendment to the rules dangerous to its safety.

Mr. STEVENSON. The gentleman from West Virginia [Mr. KENNA] has suggested to the minority that it would be well for them to attempt to perfect the river and harbor appropriation bill. I would ask that gentleman how they are to perfect the river and harbor appropriation bill, when they are not permitted to discuss it or to offer any amendment to it?

Mr. KENNA. Without meaning to be at all unkind in my reply to the gentlemen, I would suggest to him that it cannot be perfected by any combination to kill it or smother it by means of amendments to the rules. And if the gentleman will kindly give me his attention, while I recount one or two instances in which that has been attempted, he will understand better what I mean. In doing so, I desire to be distinctly understood as meaning no reflection upon any gentleman for his efforts in that direction.

Soon after I came here the first effort made to defeat the river and harbor appropriation bill was a proposition to transfer the jurisdiction of it from the Committee on Commerce to the Committee on Railways and Canals. The proposition was one dividing the jurisdiction of the subject of rivers and harbors; giving the jurisdiction of harbors to the Committee on Commerce and the jurisdiction of rivers to the Committee on Railways and Canals. That proposition was the first upon which I had the honor to address the House. It was resisted ably by the chairman of the Commerce Committee and others, and it will be remembered it was ingloriously defeated.

It was not very long after, I think perhaps the last session of the same Congress or the extra session of this Congress, that a proposition was brought here so to amend the rules as to make it require a three-fourths majority of members on this floor to pass a river and harbor bill under a suspension of the rules. That proposition met its quietus very promptly, and instead of doing harm to the prospects of the river and harbor appropriation bill it resulted in so amending the rules as to enable that bill to come in as other appropriation bills are allowed to come, commanding the floor at any time.

Whatever may have been the intention, whatever may have been the purpose, and I do not intend to reflect upon either, the effect of this proposition now before us is not so much to lead to the perfection of the river and harbor appropriation bill, and to render it more acceptable to the public sentiment of the country, as to lead to its strangulation and its death.

In this connection I would say to gentlemen that there is a power in this land and there is a power in this House that believes in this system of internal improvements, that believes in the propriety of appropriating public money raised by taxation in one way or another to the improvement of the commercial highways of the country in the advancement of the nation's prosperity, the transportation of its products, and the remunerative employment of its laborers. There is a power in this land which makes this demand, and a power in this House which will see to it that this demand shall find a favorable response. The river and harbor bill will be passed. It will be passed in the best shape possible to be given to it by hard labor and intelligent investigation. It will be prepared in a spirit of fairness and of patriotism, and I have no doubt it will be hereafter as, so far as my personal knowledge extends, it has been heretofore, a good and proper bill worthy of the support of the House and of the great object for which every dollar it embraces is intended.

Now, Mr. Chairman, a word or two in comment upon some remarks made by the gentleman who preceded me, [Mr. RANDALL.] It is suggested that an exception ought to be made with respect to this particular bill. All the other appropriation bills go to the Committee on Appropriations. This one, even according to this proposed amendment, must go to the Committee on Commerce in the first instance, and afterward to the Committee on Appropriations for revision. Why, sir, in the preparation of the last two river and harbor bills (and I imagine the work will be equally as great in the preparation of those to come hereafter) the Committee on Commerce had to read from seventeen hundred to two thousand printed pages of engineers' reports, besides voluminous manuscript pages, relating to these works. In the first session of the Forty-fifth Congress three solid months were devoted by that committee to the preparation of this bill. In the last Congress, through the intervention of a sub-committee and after considerable labor devoted by the full committee to a revision of its work, the bill was prepared in a somewhat shorter time.

If this bill should go to the Committee on Appropriations at all, it should go there for intelligent revision. That committee can make no intelligent revision of it in less time than it required the Committee on Commerce intelligently to prepare it. After the expenditure of two or three months in the preparation of the bill by the Committee on Commerce, the Committee on Appropriations, as every member knows, cannot give to the bill the same investigation which has been required in its preparation.

Then comes the proposition that the Committee on Appropriations shall ascertain the amount that can be devoted to these purposes—shall fix a gross sum. How will this scheme operate? The Committee on Appropriations cannot fix the sum in advance, because whatever may be the condition of the public Treasury they cannot, if the theory advanced here be correct, know until the other appropriation bills are prepared what sums should properly be embraced in this bill. They cannot take the bill prepared by the Committee on Commerce and reduce it in gross or *pro rata*, because in doing so they would do such violence to certain works and improvements as to cause an absolute waste in expenditure and an absolute abandonment of object.

Suppose a bill were brought in appropriating eight or nine millions of dollars; suppose the Committee on Appropriations should say the amount ought to be cut down to five million and should reduce it accordingly; suppose they make the reduction *pro rata*, applying the ratio of reduction to each item. Now, a particular work may be just on the eve of completion, but in such a condition as to be exposed in its incomplete state to the fury of the winds and the waves which wait for no man and for no appropriation. The cutting down of the appropriation in such a case would have the effect not only of making the appropriation a waste, but would probably consign the work itself and the amount already expended on it to destruction by the fury of the elements. If reduction be made at all, it ought to be applied only to such works as are in a condition to stand the reduction. The reduction ought not to be made in gross or *pro rata*, but ought to be made after intelligent investigation, such as the Committee on Appropriations, whatever may be its ability, cannot, with its other duties, command the time to make.

I am opposed to this entire theory. When a committee having special charge of a subject has spent day after day and night after night, going through from seventeen hundred to two thousand pages of printed reports and innumerable manuscript bundles, in order to arrive at a definite and intelligent comprehension of its merits, why should their work be referred to another committee, (I care not what committee,) in order that such committee may arbitrarily say, "The condition of the country, or it may be the condition of some political campaign, is such that the reduction of expenditures is required," thus cutting down the appropriations without any regard to the merits of the bill in whole or in any of its parts? I am unalterably opposed to any such scheme with reference to this or any other bill that may be pending in this House.

Mr. Chairman, it has been suggested with some apparent point that since 1861 these appropriations have geatly increased. One gentleman who favors this report has told us that they have amounted in the aggregate to $125,000,000; and he congratulates the House and the country upon the fact that the Congress of the United States has appropriated this sum to purposes for which it has been so well expended and which are so intimately connected with the prosperity of the country. I am in accord with that sentiment. But as we are told that there has been a gradual increase in these appropriations from year to year, I ask what great system requiring the expenditure of money, initiated in 1861, and embracing the various items and the large interests which are involved in the undertaking to improve the rivers and harbors of this country, could have gone on through ten years without a more marked increase of expenditure in proportion to its importance than is shown by the record presented?

After an experience of more than two years devoted to the close investigation of subjects connected with the rivers and harbors of this country, I say now, with the knowledge which that investigation has afforded me of the manner in which Government money is lost by the failure to prosecute diligently these public works and their consequent destruction by storm and tide and flood, that I would conscientiously, and with a clear conviction of patriotism and of duty, vote an appropriation of $50,000,000 every year that the Treasury could stand it for the prosecution of these great works until they were completed. It would give transportation to our commodities, employment to our people, and prosperity to the country.

Mr. TOWNSEND, of Ohio. I wish to ask the gentleman whether it is not true that the amounts appropriated by this House for rivers and harbors have every year been increased in the Senate?

Mr. KENNA. I had intended to come to that. It is true that in the Senate, where this bill is considered as in Committee of the Whole section by section, it has every year in my experience been increased from one to two millions of dollars; and this shows that the methods by which the House has dealt with it have been in the line of economy.

Mr. REAGAN. I ask the gentleman to permit me to correct the statement made by the gentleman from Ohio [Mr. GARFIELD] this morning, and which has been quoted by the gentleman from West Virginia.

Mr. KENNA. I yield for that purpose, as I always desire, if mistaken, to be set right.

Mr. REGAN. The gentleman from Ohio stated that $125,000,000 in the aggregate had been appropriated for the improvement of rivers and harbors. In that statement the gentleman is not entirely accurate. There has been appropriated only between seventy-five and eighty millions for such purposes—less than eighty millions.

Mr. KENNA. Mr. Chairman, I have not taken the pains to ascertain definitely the exact amount appropriated, and for the purposes of this argument it makes no difference, but I have no doubt the gentleman from Texas is correct. As I have already stated, I now repeat that if the amount had been twice as much or thrice as much I should cheerfully, for one, have taken the responsibility of voting the money necessary for supporting a proper system of improvements of rivers and harbors in this country.

Why, sir, we have heard a discussion upon this floor running over months upon questions affecting this Government and its financial policy, and more than once I have heard, and with surprise, from members taking part in that discussion, a statement attributing the prompt payment by France of her immense war indemnity to Prussia solely and exclusively to the financial system of the French people. Take the engineer's map of France, Mr. Chairman, and it will show you in different colors—in green and in red and in blue and in yellow—every water course, natural and artificial, which that country can boast. There can be seen at a glance every water course whose navigation has been opened up to commerce by the expenditure of the public money. Every water route capable of improvement has received attention to such an extent as to make it navigable to the highest attainable degree. So, sir, you will find there is hardly a producer in the whole of France who cannot from his very door ship the product of his labor by convenient and cheap water transportation to any market he may desire. That is the great secret of the prosperity which reaches the door of every peasant throughout the length and breadth of that land, and which enabled those people to surprise the civilized world by the payment of millions as of a farthing.

Mr. REAGAN. France, with a territory much less than Texas, has appropriated annually about $10,000,000 for the improvement of its navigable rivers.

Mr. KENNA. I had not expected, Mr. Chairman, to occupy the time of the House so long. What I have said I have said hastily, but I stand by it. It is right. It is in the interest of the improvement of our commercial highways, and to that extent in behalf of the great commerce of this country. It is patriotic and just. In conclusion I would add that I have done more in the patriotic endeavor to build up this country by voting these appropriations in the last year or two for the improvement of its commercial highways and the advancement of its general prosperity **than** I accomplished in the whole time I was among the "confederate brigadiers" attempting to tear it down. [Laughter and applause.]

Mr. RANDALL, (the Speaker.) I will yield now, Mr. Chairman, five minutes of my time to the gentleman from Illinois, [Mr. STEVENSON,] and then five minutes to the gentleman from Indiana, [Mr. CALKINS,] and I believe I am also under obligation to yield five minutes to the gentleman from Tennessee.

Mr. MILLS. Will not the gentleman yield to a motion to rise?

Mr. BLACKBURN. We are within ten minutes of finishing this hour, and I hope the gentleman will not insist on his motion to rise.

Mr. STEVENSON. Mr. Chairman, I intend to occupy the attention of this committee simply to say in the beginning of my remarks

that for one I appreciate and indorse the labors of the Committee on Rules. I have felt, as almost all the members of the House have felt who are little accustomed to legislation, the necessity for some revision of the rules of this House. I think this committee has discharged its duty faithfully. They have placed it in the power of the House at least so the majority can carry on legislation and be held responsible by the country for that legislation.

Passing from that point, believing, as I do, the report of this committee should be adopted as a whole, I believe by far the most important service the Committee on Rules has rendered to the House and the country is in reporting the rule by which appropriations for rivers and harbors shall come before the House for discussion. The gentleman from Texas, [Mr. REAGAN,] to whom I propounded the question, has not answered it up to this moment, and he never will answer it till he goes to his grave, why it is these appropriations for rivers and harbors should be held so sacred that seven or eight millions of dollars every year should be voted out of the Treasury of the United States for this purpose, and no member of this House, no member of it not a member of that Committee on Commerce, should be permitted to discuss that river and harbor appropriation bill or to offer an amendment to it. In the language of the gentleman from Texas upon his motion, I am compelled, year after year, to vote this appropriation of seven or eight millions of dollars without any power on the part of myself or any other member to ascertain why or wherefore or for what purpose these appropriations are inserted—to ascertain whether they are advantageous or proper, or otherwise.

Mr. REAGAN. Let me interrupt the gentleman.

Mr. STEVENSON. I have only five minutes.

Mr. REAGAN. It is only for the purpose of stating that the river and harbor bills are always printed when reported to the House from the Committee on Commerce, and if one-third of the members of the House desire it the bill must be considered in the Committee of the Whole on the state of the Union.

Mr. STEVENSON. I understand that the rights of the minority are sacred, and that a minority, even one-third or less, of this House has the right to be heard on this bill. But the gentleman from Texas, the chairman of the Committee on Commerce, I understand to say virtually that while the rights of the minority are sacred on all other questions, upon this alone they are not to be held sacred; that by a two-thirds vote their rights are to be done away with and the river and harbor bill passed without opportunity for discussion or amendment, without the power of amendment, and absolutely without the power even of having the bill read.

Without reading, without discussion, without amendment, we are required to vote on that bill as a law, or to vote against some appropriations which we think are proper to be made.

Mr. REAGAN. I desire to ask the gentleman whether it is one of the sacred rights of the minority that one-third shall rule two-thirds?

Mr. STEVENSON. No, sir. We do not propose that one-third shall rule two-thirds of the House, but we do say that when you bring before the House a bill appropriating $8,000,000 out of the Treasury, we should have the right to know for what specific purpose the appropriations are to be made, and we should have the right to offer amendments and the right to discuss them.

We insist, whether we are one-third or one-twentieth of the House, that we should have the right of amendment and discussion of so important a measure, and that the number can make no sort of difference as far as the question of right is involved.

Mr. CALKINS. I am much obliged to the gentleman from Pennsylvania for yielding to me for five minutes. I will say, however, that I desire to speak to only one point that has been raised in this discussion, and five minutes will be entirely inadequate even to the few remarks which I desire to make. I want to speak as to the power that is placed in these committees. I am of the opinion that if the theory which it seems the Committee on Rules adopted in presenting this report to the House is correct, then all appropriation bills should go to the Committee on Appropriations; but if the theory upon which they acted is wrong, then the appropriation bills should be divided, as has been suggested, and sent to the proper committees.

Now, the gentleman from Ohio, always strong in his statements, presents the strongest view evidently which can be taken of the theory which has been adopted by this committee, that there should be two great fiscal committees, as he expressed it, with their backs to each other. He had better say under the rules as presented that they propose one great fiscal committee to obliterate all of the other committees, a committee to put all the other committees upon their backs, I think would have been a more proper designation. It is the power of the committee which I object to and the question which I desire to discuss at the proper time.

Mr. Chairman, but one word further. I will say here there is no reason that I can divine why the Committee on Military Affairs or the Committee on Naval Affairs or on Commerce should take charge of all the business pertaining to their respective Departments except the one single duty of appropriating money. The Committee on Invalid Pensions know as well as the Committee on Appropriations how much money is required to run that bureau. The Committee on Military Affairs know as well as the Committee on Appropriations how much money is required to run the Army. The Committee on Naval Affairs certainly know as well as the Committee on Appropriations how much money is required to run the Navy; and why is it that all the duties pertaining to these several Departments—for these committees are clothed with the power of presenting bills to the House in connection with them—should be in the committees except the one important question of saying how much money shall be expended upon them? There is a reason for it, and the reason exists simply in this: it places under the control of a few men of this House the absolute power to say how far we shall go, and no farther. Under the rule referred to by the eminent gentleman from Pennsylvania, (and I believe he is the father of the rule,) the committee may go into the House and say we present a bill appropriating so much money, and not a single member on the floor shall have power to say that that appropriation may be increased. It may be decreased, but not by a majority vote, but by two-thirds of the House. That is a power that I say should not dwell in any committee of this House, and the theory adopted by this Committee on Rules is all wrong. The report had better be amended so as to say that all but the fifteen members of the Committee on Appropriations may resign, and that committee shall go on and run the Government. That is precisely what it says, expressed only in terser language.

[Here the hammer fell.]

Mr. CONGER. I take the floor, and will give way for a motion that the committee rise.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

JANUARY 13, 1880.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair, and proceeded to consider the report of the Committee on Rules.

Mr. DUNNELL. Mr. Chairman, I think it will be conceded by the whole House that the Committee on Rules has reported for our consideration a codification and revision of the present rules that will not fail to receive our commendation. While I had my doubts, when this committee was authorized to revise the rules, as to the propriety of the action taken, I now confess that the rules as received from that committee and now before us incline me to receive the report of the committee with much favor, and if the action of the committee shall result in giving us substantially the code that is reported with the rules reclassified and arranged under appropriate heads, I think we shall very soon congratulate ourselves that this work has been done. It is true, nevertheless, that we shall not agree in all the rules that have been presented for our acceptance.

Whatever may be the ultimate action of the House when we come to the adoption of this report, whether it shall contain precisely the rules which have been reported or not, there is one thing, Mr. Chairman, I think we ought to insist upon in the adoption not only of each individual rule and clause under it, but of the report as a whole; that there shall be absolute clearness in every rule which we adopt; that there shall lurk about no rule any ambiguity, any uncertainty, or anything which will leave a doubt in any gentleman's mind as to what the rule may mean.

We have in our present code many rules about which members of the House do and will disagree; concerning which we are not certain what will be the ruling of the Speaker. Now it seems to me that our good old English tongue is fully capable of clearly expressing the meaning of each individual rule and clause that we propose to adopt. I had rather have a bad rule, or a rule vicious perhaps to some extent in its consequences, but such that it shall be clearly understood in advance what must necessarily be the ruling under it, than to have a better rule adopted for the guidance of the House about which there shall be more or less uncertainty and more or less of doubt. Very many of the contests which we have had in this House have been upon the construction of a rule, and we have sometimes fought for days over a question, the whole of which turned upon the probable or possible construction that might be given to a rule.

I submit, Mr. Chairman, that when we come down to business, and take up these rules one by one, and all the clauses under them, we owe it to ourselves, we owe it to those who shall come after us, to insist that there shall be the utmost certainty as to the necessary ruling that must take place under that rule; that the rules shall be absolutely clear of all ambiguity, of all doubt, and of every possible uncertainty.

This report does not lessen so very much the number of rules. We have about as many rules and clauses under those rules in this new code as there are in the present. Some ten or eleven of our present rules have been dropped as obsolete; but we have substantially the

present rules of the House rearranged, properly codified, and in a shape in which they can be easily found.

I have made this general preliminary remark with regard to the sentiment which should prevail in the House in the adoption of these rules. Some of the new rules that are recommended will in my judgment, if adopted, work a wonderful reform in the transaction of our business. We are to have henceforth three calendars. I believe that to be a very good improvement. And I might refer to some other matters which are brought out in this report and which will not be overlooked by those who are called upon to advocate the recommendations of the committee. It was my purpose, Mr. Chairman, and is now, to call attention to some rules which I hope the House will change, and the first rule to which I will call attention is the rule that was adopted by the Forty-fourth Congress and which is found on page 38 of this report as clause 3 of Rule XXI. I will ask the Clerk to read it.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. DUNNELL. We are all familiar with the history of this rule, which was adopted in the Forty-fourth Congress. Very much has been said upon it at various times while reports from the Committee on Appropriations have been before the House or the Committee of the Whole. I think if we will look at this rule candidly and seriously we shall find that it is absolutely oppressive, undemocratic, and wholly hostile to the genius of the Government itself. We are sent here as representatives of the people. Among other things, we are called upon to appropriate money to meet the expenses of the Government. We are not only to appropriate money to carry out the existing law, but we are also called on to appropriate money, from time to time, as the public interests may require. We are here responsible to the people who sent us. We are the representatives of the people. We are the people in Congress assembled, with the power, under the Constitution, to originate appropriation bills. We are not only responsible in the popular signification of that term, but we are so under the Constitution itself, and never before in the history of the Government has there been found among the rules of this House a rule like the one to which I call attention. It is simply this, that a majority of one committee, composed of eleven or thirteen or fifteen men, the bare majority of that committee may absolutely and completely control the appropriations of Congress itself. It denies to the minority of the committee, it denies to the minority of the House, it denies to the majority of the House, and to the whole House the power either to obey the law or to meet public demands. A law says that an examining surgeon shall have one dollar and a half for examining a pensioner. The Committee on Appropriations comes in with a report, voted by a majority of that committee, and says that that surgeon shall receive $1, and only $1.

I use this as an illustration, because in the present session we have seen this actually done in the report which came from the Committee on Appropriations for the payment of pensioners.

Now, this may be carried to any extent. The law says that the President shall receive $50,000 annually as his salary. It is in the power of a mere majority of the Committee on Appropriations to say he shall be paid $25,000, and it is utterly impossible for anybody in the House to change the result which the Committee on Appropriations has arrived at, unless it be to make it still less.

We are here at the mercy of a single committee, putting its strong hand upon and closing our mouths. No man, either on the right or on the left of the Speaker, can make a motion to increase the amount reported by the committee not simply to what it ought to be in fact, but up to the point at which the law fixes it.

During the last four or five years, since this rule has been in operation, we have seen many such instances where the public good called for a given sum to meet a particular demand, yet the Committee on Appropriations has said that that sum should not be granted.

By what authority should any one committee thus close the power of this House, which is the representative power of the nation? The people who pay taxes, who bear the burden of the Government, ask us to appropriate money that the Government may thereby provide for the material interests of all the people. I say it is a bad system of legislation which denies to the House the power to regulate the amount of money appropriated. It is disrespectful, it is derogatory to ourselves. And I venture to say that the gentleman who is the reputed father of that rule has never found the original of it in any legislative manual on the face of the earth. It is a rule known only to the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses of the United States; it never before had a being elsewhere. I think the time has come in our financial affairs and in an intelligent comprehension of the demands of the present hour when we should trust this House of Representatives.

I believe that the majority of the House should be held responsible; I believe that the majority will be and ought to be held responsible. They will be held accountable with this rule or without it. In a democratic government like ours, to deny to the representatives of the people their right to legislate for the people as their interests may demand is unworthy of either side of the House. I hope to see that clause stricken out and that rule cease to exist.

The majority of this House can control every appropriation bill and every item in every appropriation bill; they are bound to do it. If they are in the minority on any one item, then they will not be held responsible; but the party voting the item will be held to answer for it by the people.

In my judgment we have arrived at a time when we may act with broader views than we acted ten or twelve years ago, just after the close of the war. We were cramped then; we were oppressed with burden and with debt. But we have got beyond the burden. The national debt to-day is not such a burden that Congress cannot act wisely, broadly, and liberally in the discussion of all questions and in the action upon them.

Members have spoken about appropriating four, five, or six millions of dollars for the improvement of the water-ways of this grand Republic. What are $6,000,000 when we consider all the harbors and lakes and navigable waters of this majestic Republic? What are $6,000,000, with all our vast resources and our unblemished credit? There are nations with half the resources which we have and with half our wealth, developed and undeveloped, which every year do thrice what we do for their material interests—yes, for their harbors and rivers.

The people of this country have ceased to criticise their public servants in the appropriation of money which clearly has in view the real development of the country. I do not believe that the people will sustain a Congress in a wasteful expenditure of money. But the people are keenly alive to the present material interests of the country. That man is a statesman who votes liberally—not wastefully, but liberally—and intelligently for the development of those material interests, rather than the man who cavils how this bill or that bill may affect the party record that he shall array before his constituents at home.

That rule which we have been acting under, and which we are compelled to act under to-day, is arbitrary and illiberal. It ought to give way to the pressing necessities of the people. This House, in its intelligence and in its responsibility to the people, should be intrusted with voting away the money of the people. We are in a financial condition to do it. What we need to-day is the development of our material resources, is the attraction of the attention of the people away from the sophistries of mere partisanship to those questions which lift up and make prosperous the people, and so make them happy and contented with the Government under which they live.

I have said enough upon that single rule. The next rule to which I wish to call attention is the seventh clause of Rule XI, to be found on page 32 of the report, which reads:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

* * * * * * *

7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations.]

Mr. Chairman, it has been my honor to serve for four years upon the Committee on Commerce. Not only while a member of that committee, but since then, I have never wavered in my belief that it was for the interests of the Government and of the Treasury itself that the Committee on Commerce should prepare and report for passage a river and harbor appropriation bill. This question has been ably argued by the gentleman from Texas, [Mr. REAGAN,] the chairman of the Committee on Commerce, and very clearly and forcibly by the gentleman from West Virginia, [Mr. KENNA,] a member of that committee, as well as by other members; and perhaps I need say nothing further upon this point. I am, however, constrained to say that the Committee on Commerce alone can prepare for report to this House a bill for the improvement of rivers and harbors. No matter how much wisdom the Committee on Appropriations may possess, no matter how laborious that committee may be, from the very circumstances surrounding it it is absolutely incapable of making or preparing a river and harbor appropriation bill.

There is hardly a bill or resolution going to the Committee on Commerce which does not itself instruct that committee relative to this very work. The entire work of that committee eminently fits it to prepare bills to be passed by this House and by Congress for the improvement of the rivers and harbors of the country. The amount of labor performed by that committee is simply enormous. The amount of pages of finely printed matter which that committee is compelled to read averages from twelve hundred to two thousand. This work must be performe l by that committee before it can make an enlightened report and present it to this House upon the subject of the improvement of the rivers and harbors of this great country. As one gentleman on this floor has truly said, the Committee on Appropriations cannot report back a river and harbor bill with one hour's less labor than the Committee on Commerce have spent in preparing it. The ground must be gone over. When it is gone over the committee is prepared to report the bill; until the ground is gone over no committee can be prepared to make it. If this be true, no revising committee can prepare that bill without going over the entire ground in precisely the manner in which it has been gone over by the Committee on Commerce.

It has been stated as one reason why the Committee on Appropriations should consider this bill and report it back to the House is that if the Committee on Commerce should report a bill appropriating $8,000,000, the Appropriations Committee might report it back providing for an expenditure of $6,000,000. But when a bill comes back thus reduced by the Committee on Appropriations, great injustice may be done to some improvements. Every item must be considered thoroughly by the committee before passing or reporting the bill. I join with the gentleman from Texas [Mr. REAGAN] in denouncing the attempt that has been made on this floor and in the newspapers of the country to characterize the river and harbor bill as a gigantic fraud or "steal." I say that no bill goes through this House that can be better defended in honest, clear, open-handed debate than the river and harbor bills which have been passed here within the last four or five years. Take the sundry civil appropriation bill, which comes from the Committee on Appropriations——

Mr. DAVIS, of North Carolina. May I ask the gentleman a question?

Mr. DUNNELL. Yes, sir.

Mr. DAVIS, of North Carolina. If the river and harbor appropriation bill can be so well defended, will the gentleman say why it cannot come before the House for discussion in Committee of the Whole?

Mr. HARRIS, of Virginia. It goes there under the rules.

Mr. DUNNELL. Mr. Chairman, it can go to the Committee of the Whole as it has gone frequently in the past. There is nothing in the rules now that prevents it from going to the Committee of the Whole. There is no reason why it may not go there. It can go there and undergo discussion as well as some other reports which come before the House and from the Committee on Appropriations.

I was about to refer to the sundry civil appropriation bill. Frequently there is added to this bill by the conference committee a sum almost as large as we are in the habit of appropriating for rivers and harbors. We are not allowed to discuss those amendments incorporated into the bill upon the report of the conference committees; and let me tell the gentleman from Georgia, [Mr. BLOUNT,] a member of the Committee on Appropriations, who now honors me with his attention, that within the last three years there have been found in sundry civil appropriation bills items which would not stand half the scrutiny that the river and harbor bill has received.

Mr. BLOUNT. And if the gentleman will allow me I will say that those items came generally from the Republican Senate.

Mr. DUNNELL. Very well. I am speaking of a mode of legislation. I am not charging upon the House or the Senate or any part of Congress a result that may be inevitable.

I think that what has been said against the Committee on Commerce in the past has been unjust. These reports have been made as the result of a great labor. It may be said, perhaps, that now and then we have provided for the improvement of a river having too little dignity as a navigable stream; yet in no instance, as the gentleman from Texas said the other day, have we ever appropriated a dollar for the improvement of a river that has not been examined by the Engineer Department of the Government, pronounced upon favorably, and an appropriation recommended.

Mr. KELLEY. If the gentleman will allow an interruption, it seems pertinent to say here that the river Clyde, the great shipbuilding river of the world, has taken a century and a quarter to make. It was a mere purling rivulet through a marsh when, one hundred and twenty-five years ago, the apparently mad experiment of making it a navigable river was begun, and from time to time small appropriations for the same object have been made; so that now, when any nation wants to speak of its future prosperity as a commercial nation, with its own marine and marine establishments, it says that a particular river will be the Clyde of its country. And I apprehend that many of the appropriations now made by the Congress of the United States as small beginnings, and which are severely criticised, are like the early movements to convert the rivulet into the great commercial river of Scotland.

Mr. DUNNELL. I thank the honorable gentleman from Pennsylvania for his admirable illustration. I will not spend any more time or ask the attention of the committee longer to this point. It has been so ably discussed that I do not doubt what the action of the House will be on that clause.

I now ask attention to another rule only for a moment. Clause 2, Rule XXII, reads as follows:

> 2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

This may not seem an important matter, and yet I allude to it. A member of the House deposits a petition in the box. He makes perchance a wrong direction of the petition. It goes into the hands of another committee. He makes a false direction to the petition inadvertently. He may have a choice where the petition shall go. It goes into the hands of a committee, and it is then to be reported back by that committee and sent arbitrarily to such a committee as this committee may select. My own judgment is the present rule is far preferable. The Committee of Ways and Means, as it found yesterday in its session, has possession of a bill which ought to have gone to another committee. It is better the committee should report it back and let the House determine where it should go. I do not believe that my petition or my memorial should be at the mercy of a committee to which I may accidentally have sent it. I do not think that rule is an improvement at all.

One other rule I will refer to before I leave the subject. According to a custom which for aught I know has prevailed since the foundation of the Government, there comes to this House and Congress, as a high court of equity, a large class of private claims. I voted in the last Congress very cheerfully for the bill presented by the gentleman from New York, Mr. Potter, creating a court of claims which should relieve Congress from the adjustment of these private claims. Evidently these new rules make very slight provision for the Private Calendar. Evidently the Committee on Rules was not anxious to enlarge the action of the House on the Private Calendar.

Now, sir, I think there is no disgrace to-day under which so much labor, or under which we any more labor, than we do in denying to the citizens of the country the honest payment of honest claims. If we refuse to take care of these claims, claims like the pension cases which come to us from every section of the country, claims that the law will not allow but which equity says ought to be paid, and so long as we thus hold to these cases just so long ought we to go to the Private Calendar and give them honest attention and honest treatment.

The business of Monday, Tuesday, Wednesday, and Thursday cannot be set aside except by a two-thirds vote. That is a good rule. It works well. It has been adopted since I have been a member of this House. I am in favor of it; and, sir, all the more rigidly we follow the rules, the less will our business be blocked and the more we may do for the country. When we come to Friday, a bare majority, by these new rules, is allowed to dispense with that day altogether. I say that Friday should be sacredly set apart for private business, and the same vote to postpone it should be required as is required for the postponement of public business. We should transact the private business of the country on Friday, and that day should be protected by a rule as stringent as that which protects the other days of the week.

I served two years on the Committee of Claims in this House, during the Forty-third Congress. I know, and every gentleman who has served on that committee knows, what a terrible guantlet every bill has to run in order to secure a favorable report. There are men in the other branch of this Government, as well as in this, who have said that if they had a claim against the Government, no matter how just, they would not prosecute it, the difficulty of getting justice from the Government was so very great. It has been to our dishonor that we have asked men to defend the country, to uphold it with money, with blood, and with life itself, and then have turned round and allowed their claims against the Government to be thrust aside to gratify the whim of those who are too economical to be just. We ought to be just to every man and woman who has a claim against the Government.

Mr. Chairman, glory comes to a country that is just, glory comes to any government or any administration that is humane—that legislates for its constituent elements because they are a part and a parcel of the government.

We forget the genius of our Government when we say to this man or to that man, "Go your way." We are in no need of any such kind of conduct. We are amply rich and amply able to do justice to every man, from whatsoever section he comes, and we are amply able to do justice to every rising, growing interest of this grand country of ours.

I yield ten minutes to the gentleman from New York, [Mr. LAPHAM.]

Mr. LAPHAM. Mr. Chairman, it is not my purpose to engage in any general discussion of the questions involved in the report of the committee now under consideration. I shall confine myself substantially to the expression of my views in support of that portion of the report which requires what is known as the river and harbor bill to pass the ordeal of the Committee on Appropriations before it is considered by the House. My experience as a member of this House began with the Forty-fourth Congress, and each of the river and harbor appropriation bills which has been passed since that time has been passed under a motion to suspend the rules, without opportunity for discussion or amendment.

I was one of those, Mr. Chairman, who entered a written protest against the passage of the first bill of that character in the first session of the Forty-fourth Congress, and I have seen abundant reason since that time for adhering to the position then taken by those who joined with me in that protest that this class of appropriations should be open for discussion and amendments the same as every other class of appropriation bills.

Those who are familiar with political history will remember that in the palmy days of the democratic party it was the settled doctrine that the General Government should not engage in works of internal improvements. While I concede that the modified condition of the times demands a depature to some extent from that line of policy, I am yet of the opinion that every question for the improvement of a river or a harbor should be able to stand upon its own merits, should be able to endure the ordeal of discussion, should be open to amendment and consideration. Nor do I subscribe to the idea which seems to prevail so extensively here that no one is interested in this question except the particular member whose harbor is to receive a benefaction from Congress. I am interested in proper appropriations for the harbor of the city of New York as well as the members who have the

honor to represent that portion of my State. Indeed, in a great sense I am interested with every other citizen in having all proper appropriations for every river and every harbor throughout the entire country which requires such appropriations.

It is a mistaken opinion that the member residing in the county of Monroe, in the district adjoining mine, shall go to the room of the Committee on Commerce and there say what he thinks should be given to the mouth of the Genesee River, and that no other Representative is interested in that question, nor shall it be open to discussion when reported to the House.

Mr. HUBBELL. I would like to ask the gentleman from New York a question. Suppose, under the revised rules, a river and harbor bill should be sent to the Committee on Appropriations, would not then a motion to suspend the rules be in order to pass the bill, precisely in the same manner as now?

Mr. LAPHAM. Most unquestionably that could be done, and that is the point which I was about to consider. What would be thought of a proposition made here to take a general appropriation bill out of the Committee of the Whole and pass it under the force of the previous question? If the House by its action on the proposal of the Committee on Rules so far reconsiders the obnoxious practice of the last four sessions of Congress as to have this class of appropriations go to the Committee on Appropriations, I take it the House would never be led to adopt a practice which has thus far prevailed to prevent the consideration of this, like other bills, in the Committee of the Whole. Undoubtedly that power exists and will exist wherever and from whatever committee this recommendation comes. But, Mr. Chairman, after the Committee on Commerce has examined this question and considered what rivers and what harbors ought in their opinion to be provided for, it is yet a question whether the condition of the Treasury will justify the appropriations recommended, and that question is one mainly, if not exclusively, for the consideration of the Committee on Appropriations.

I trust, sir, while I shall have the honor of a seat here I shall never again be called upon to witness the example of a President of the United States, in obedience to what he considered his duty as the Executive of the nation, charged with the execution of the laws, to send back to the House his approval of a river and harbor bill coupled with a declaration which he deemed he was bound in honor and conscience to make, that he would not expend the money provided in such bill any further than he deemed it warranted by the public necessities. Let this class of appropriations be guarded so carefully and adopted with such care and deliberation that they shall receive, as all appropriations ought to receive, the assent of the country and of those charged with the execution of the laws. It is this hasty, inconsiderate legislation which has grown up under this practice that is aimed at by the amendment under consideration, and, Mr. Chairman, let me say in conclusion, it meets with my hearty approval.

Mr. DUNNEL. I yield the balance of my time to the gentleman from Illinois, [Mr. BARBER.]

Mr. BARBER. I would like to inquire how much time is left.

The CHAIRMAN. There are eight minutes of the hour remaining.

Mr. BARBER. I understand the Committee on Rules to invite the fullest discussion. I suppose I shall be governed by these rules if they are adopted. I therefore shall not offer any apology for obtruding my views on the House at this moment.

If I can understand the argument which has been urged in support of the proposed rule in regard to appropriations for the internal improvements of the country, it is that we need a committee, a standing committee of this House, to stand between the Treasury and the natural incapacity and greed of this body in its collective aggregation. Now, I might understand the force of this argument if we were living under the old system of confederation, when the legislative functions were committed entirely to one body; but, sir, our fathers devised checks and safeguards against hasty and inconsiderate legislation. They adopted the dual system. They vested the legislative functions in a House of Representatives and in a Senate. It was the chief design of the latter body to afford a check on the hasty and inconsiderate action of the Representatives, who were supposed to stand nearest the people; and with a view to this precise point, the distribution of the public revenues, in order to prevent the spoliation of the lesser States by the greater, there was given to each State equal representation upon the floor of that illustrious body. Nor did they stop there. They went further, and armed the executive authority of this Government with the veto power—the power which can require the reconsideration by this House of every measure which they shall see fit to pass.

Now, sir, what in effect is this proposition? It is to create here in our midst a little senate of our own. It seems to me that that is entirely unnecessary. The facility with which distinguished members graduate from this House into the other renders it entirely superfluous. We can still get the benefit of their matured wisdom. Nor do I deem it necessary, Mr. Chairman, that we bring in here this much despised veto power which was so very distasteful to our friends on the other side during the past session and exalt it as one of our *penates*.

There is an impression in the country at large, a very general impression, that our rules are simply contrived to strangle, to stifle, and to paralyze the legislative energies of this House. I have heard them compared to the double-entry system of bookkeeping which has been described as an invention of the devil to cheat honest men. It has been frequently said—I have read it in public journals within the last week—that gentlemen of marked ability are not found on this floor. It would ill become me to pronounce an opinion upon that point. I would not be considered an impartial or a competent judge. But I do say this as the result of my observation, that if a man wants to become a splendid cipher, if he wants to get a magnificent position of unimportance, if he wants to become a real nonentity, let him come to Congress and let him get safely ensconced on the tail end of an average committee, and his hopes will be realized. [Laughter.]

Now, I hope to have an opportunity to vote in favor of the proposition of the eloquent gentleman from Mississippi, [Mr. HOOKER.] I believe we should distribute these powers among the various committees, develop the ability to determine what appropriations are needed, and educate the House so we can know something about the river and harbor bill, and then we will not have our inability to comprehend the requirements of the situation thrown into our faces, as proposed here, by delegating the power intrusted to us as a House to one standing committee.

I find, Mr. Chairman, [looking at his watch,] that eight minutes is a longer time than I supposed it was. [Laughter.]

Mr. UPDEGRAFF, of Ohio. You have half your time left. [Laughter.]

Mr. BARBER. I shall not without reason consume the balance of the time, but will gracefully yield the floor.

Mr. WHITTHORNE. Mr. Chairman, I do not propose to occupy the attention of the committee for any long period of time, and I only seek the floor at the present time for the purpose of announcing that, taking the labors of the Committee on Rules, as they have reported the amended rules to the House, and comparing these rules with our existing rules, I am in favor of that report.

It has been my fortune, Mr. Chairman, to be a member of this House for a number of years, and I venture to say I have never seen a better exposition of confusion worse confounded than is to be witnessed in the administration of our present rules. As I have often said, if I were endeavoring to find out how not to do a thing, I would take for my guide in that regard the present rules of the House of Representatives. No man, I care not what position he may have upon the floor, knows how, when, or under what circumstances to get at any question unless he first ascertains what is the will and wish of the Speaker of the House; and in order to do that, he must know that the Speaker is clear and cool-headed and consistent with himself.

I appeal to every gentleman upon the floor if this is not the fact in the administration of our present rules. Their number is large, and in my judgment they are not consistent with themselves, and are incapable of intelligent comprehension; and it was in view of this fact that a codification or revision of them became necessary.

Now, taking the labor of that committee as a whole, and looking as I do to what I believe to be, or ought to be, the object of all parliamentary rules—that is to say, the object of parliamentary rules should be to insure an intelligent consideration and dispatch of the business brought before the body of which those rules are the law of action—looking as I do at what should be that object, I must approve generally the report of this committee, because I think those rules should be few and such as can easily be understood and can be readily enforced. Those rules should be such as will aid the majority of the body in arriving at a conclusion of its business, having due regard to the rights of the minority.

I take, however, some exceptions to different rules which have been reported to this body by the Committee on Rules. I will say for that committee that it has reported the clearest, the simplest, and the most comprehensive set of rules that I ever saw for the guidance of a parliamentary body. Their work is entitled to the approbation of all who have studied parliamentary history. Compare the rules which this committee now reports with those at present existing. As between the two my judgment must pronounce in favor of those now reported. Under them I believe that every proposition of the humblest member of this body can receive its due consideration; I cannot say that that can be done under the present rules. Under the proposed rules as reported every committee can bring its work before the House; that cannot be done under existing rules. Under the rules as proposed it will be impossible for one or two members, as I have often witnessed upon the floor of this House, to keep the work of any committee which has taken months for preparation from being considered by this House. Under these proposed rules, therefore, the people who stand behind us by petitions, memorials, and bills will have an opportunity to be heard; they will have their day in court.

I observed particularly one or two remarks made by my friend from Minnesota, [Mr. DUNNELL.] A few moments ago he referred to what he deemed the injustice of the House of Representatives toward the private claims of the people. Sir, my experience does not accord with that of the eloquent gentleman from Minnesota. Too much of the time of this House is given to class, to special, to individual legislation. With your Private Claims Committee on the one hand and the Committee on Appropriations with its usurped jurisdiction on the other, the great public interests of this country have been made to suffer. We should put a check on this special and private legislation.

The gentleman refers to the honest claimant that comes here. It is not the claims of such men that receive the most of our considera-

tion. The honest claimant whom the gentleman describes is very seldom seen at our doors. There comes here a class of persons under the garb of those honest claimants who are too frequently here, who too frequently take up the time of this House.

These new rules are rules for the people, for the public interest; rules which if enforced will give every class of the people an opportunity to be heard. And in this connection I will read an amendment which I propose to offer in due time, and which when offered I trust will receive the favorable consideration of the House. It is this:

That Thursday in every week shall be set apart for the consideration of business on the House Calendar unless otherwise determined by a majority of the House.

Now, I submit to my friend from Minnesota [Mr. DUNNELL] that we should put the public business of the country on the same footing that we have put private claims. I think that should be made one of the new rules of this House. I have noted in this report the exceptions which I take to it, as I have considered it, I think, with an endeavor to take an impartial view of it.

I will now come to the subject of reports from the Committee on Commerce. I agree with my friend from Texas, [Mr. REAGAN,] the chairman of that committee, and with his associates upon the committee, that its duties should be performed as they now are, independently of other committees. I will ask him, however, to add a provision to the rule that the Speaker shall not entertain a motion to suspend the rules for the passage of the river and harbor appropriation bill, but that the House shall have an opportunity to pass in review upon the labors of that committee.

Now, I will give the reason why I shall support a proposition to let the labor of considering the improvement of rivers and harbors remain with the Committee on Commerce. It is new and independent legislation, not already fixed by law. Before I get through I will endeavor to show what I consider to be the proper functions of the Committee on Appropriations.

When I first entered Congress, in the Forty-second Congress, General Coburn, of Indiana, was a member of the Committee on Appropriations. He at that time proposed to divide the labors of that committee as is now proposed by the gentleman from Pennsylvania [Mr. SHALLENBERGER] and by others. At that time I was heartily in favor of that proposition. But during all these years that I have been here my experience and observation have led me to believe that if we turn loose a half dozen committees upon the subject of appropriations it will be impossible to control the amount of those appropriations. I believe that it is for the interest of the people that the subject of appropriations should be committed mainly to one committee. I say this not out of any feeling with respect to my own committee, because if I considered that I should be jealous of its rights and should speak jealously of its intelligence and its power of comprehending the duty before it. But, speaking in the interest of the people, in the interest of the public Treasury, in the interest of a proper control of public expenditures, I must say, what has been forced upon me contrary to my original convictions, that it is the duty of this House to have the subject of appropriations controlled by one committee. And why? Not that the Committee on Appropriations shall originate any legislation, not that they shall bring into the House any new items, but that they shall be confined to what the law requires. And I, for one, announce to the House that I would be willing to strike out in Rule XXI the last words of clause 3, thus confining the Committee on Appropriations to the provisions of the existing law, and not permitting them to report matters over which they have no legislative jurisdiction whatever.

Mr. Chairman, I sought the floor for the purpose merely of giving utterance to these views, and expressing the hope that in passing upon all these questions the House will look to the ills that we are seeking to fly from, and will take shelter under these rules which promise an intelligent consideration and dispatch of public business.

I yield to my friend from Texas, [Mr. MILLS.]

Mr. MILLS. Mr. Chairman, I only desire to occupy a few minutes. I have been a member of this House for some years, and ever since I have been here have been seeking to bring about some revision of our rules. I was glad, therefore, when the House adopted the resolution authorizing this revision to be undertaken. The report submitted by the committee presents to us a choice between the new and the old code. If it were left to me to decide which of these codes I would take, supposing that the new rules must be adopted without amendment, I should without hesitation prefer the old, objectionable as they are.

Under an amendment of the rules adopted by the House at the commencement of this Congress the Committee of Ways and Means, the Committee on Coinage, Weights, and Measures, and the Committee on Banking and Currency, three committees certainly that deal with the most important questions submitted to our consideration, were authorized, as the public interest required they should be, to have priority over the other committees in reporting public business for the consideration of the House.

To the Committee of Ways and Means belongs the duty of reporting all bills affecting our revenue; to the Committee on Coinage, Weights, and Measures, everything affecting our coined money; and to the Committee on Banking and Currency, all subjects affecting the paper money. On these subjects the people of the United States are now demanding some sort of reform which they contend is necessary to their prosperity. In fact, monetary questions are now engaging the attention of the people of the civilized world. No country seems to have a monetary system with which it is perfectly satisfied, and I am sure that a large body of our own people are not satisfied with the present monetary system of the United States with silver demonetized. A large number of our constituents believe that silver ought to be a part of the permanent money of the United States, unlimited in its coinage and unlimited in its monetary functions. I apprehend that those who thus think will not rest until they shall find some means to have their views incorporated into the statutes of the United States.

Now, under this new rule what becomes of the Committee on Coinage, Weights, and Measures? What becomes of the "dollar of our fathers," which has created such a great sensation in the country within the last three or four years? Where does this committee go? It is retired ignominiously to the rear. Adopt these rules, and where does the business of the Committee on Coinage, Weights, and Measures find a place on the Calendar of this House? At the tail of all other business. This committee has no precedence in the House. The Committee on Banking and Currency share the same fate. Both of these committees are deprived of the priority given them by existing rules. After the Committee on Coinage, Weights, and Measures or the Committee on Banking and Currency has reported a bill (and they only report when their turn comes on the roster) their report goes to the foot of the public calendar, to be reached after all other business on that calendar shall have been swept away.

The rule works on the other side of the question with equal force. Suppose a majority of this House should think it impolitic and unwise to continue the coinage of the silver dollar in limited quantities, and should desire a change of the law in that respect, as the present Secretary of the Treasury desires, and as a large part of the people of the United States unquestionably desire, how is that object to be effected? Under the new rules you could never change that legislation by any regular method of proceeding; the present status of the coinage laws must remain.

What about your tariff? Some people want an increase of tariff duties. There are bills lying on the table of the Committee of Ways and Means proposing to increase duties on various articles, and there are some proposing a reduction of duties. Under the present rules, when the Committee of Ways and Means reports to this House a measure affecting the tariff it can invoke the will of the House to set a day for its consideration, and to be continued from day to day until disposed of. Can this be done under the new rules? The Committee of Ways and Means may report in preference to other committees; it may report at any time; but it cannot move to take the bill up for consideration until the morning hour has expired and until the unfinished business succeeding the morning hour shall have been disposed of. Who here does not know that sometimes for a month at a time we have never had a morning hour? Who fails to remember the struggles we have had upon some measures in the morning hour which could not be taken out of it? In addition to that, the unfinished business coming over is piled in the way, and must be disposed of before we can reach the great questions affecting the revenues of the Government.

Now, as to questions of appropriation. There seems to be among some of our statesmen a mistaken view of their duties and responsibilities, and of the rights, privileges, and responsibilities of their fellow-members on this floor. I beg to assure gentlemen that the majority on this floor are not held responsible to the minority for their conduct. When gentlemen assume that none but the Committee on Appropriations is worthy to be intrusted with the expenditure of the money of the people of the United States they assume a prerogative nowhere conferred upon them. Who has given to them the right to say that the Committee on Naval Affairs cannot faithfully, patriotically, justly, and wisely frame and report appropriations for the Navy Department? Why should the Committee on Appropriations have charge of this work in preference to the Committee on Naval Affairs? Why should the Committee on Appropriations prepare the Army appropriation bill in preference to the Military Committee, or the Post-Office appropriation bill in preference to the Post-Office Committee? There are but two arguments that have been used on this floor to justify the proceeding—one a very plausible argument by the gentleman from Ohio, [Mr. GARFIELD,] a gentleman who can throw around a fallacy more force than any man I ever heard in my life. He is a gentleman whose genius and great ability I have always admired. He comes to the House and tells us that there are two great committees of the House standing back to back, one raising the revenue and the other disbursing it; one saying how much taxation shall be collected from the people, the other how the revenue thus derived shall be expended.

Why, sir, the Committee on Appropriations expends year by year, while the Constitution forbids you to make an appropriation passing beyond the term of two years; but is it so with the Committee of Ways and Means? The laws we have on our statute-books which give into our Treasury money that supports the Government are permanent laws, not made every two years like the appropriations for the disbursements of the Government. There is no parallel between the two. Every committee of this House which has to deal with a question of money knows as well as the Committee on Appropriations what amount of money comes into the coffers of the Government and

what permanent laws remain upon the statute-book. The Committee of Ways and Means does not have to levy to meet the views of the Committee on Appropriations every Congress. The laws are in force constantly, constantly bringing money into the Treasury. So that objection is exploded.

The other reason is that other committees cannot be trusted; they are not sufficiently economical. Now, sir, it may be that the Speaker in his wisdom in the appointment of the committees of this House during this Congress has selected for the Committee on Appropriations the most economical, the most wise, the most just, the most patriotic gentlemen in this House. But these rules are not for this House alone; they are, in defiance of constitutional authority, to go into other Congresses; they are made the rules of succeeding Congresses, notwithstanding the Constitution says that every House shall make its own rules. They are to go forward in their operation and to be thrown over all future Congresses. It may be in some future Congress there shall be a Committee on Naval Affairs or a Committee on Military Affairs or a Committee on the Post-Office and Post-Roads which will equal in virtue, in patriotism, in wisdom, and in love of economy the present Committee on Appropriations. I say nothing to the detriment of that committee. It is as good as any we have. But the argument is unfair and unjust. And why? It assumes to arraign all the other committees of this House for extravagance, for want of economy, for want of patriotism, and tries them before its own tribunal. No gentleman has a right to arraign another for any course he may pursue as a member of Congress. The constituent only has the right to call to account. I do not answer to any committee of this House. I do not answer even to my party in this House for what I do if I go beyond what they believe to be my duty. If I do not advocate and vote for measures they believe I ought to sustain and support, I am not responsible to them; my constituents only can call me to account. At that tribunal I bow and to that judgment I submit. But I do not bow to the self-assumed authorithy of any committee on this floor.

It was argued that we will have less expenditure of money—there will be less money expended—if you will put it in the hands of this committee; that somehow or other, as soon as they are appointed, the Committee on Appropriations becomes supereminently economical, and less money will be expended by them. I do not know that that is so. I cannot say it will be wise to leave our harbors all dammed up, our commerce having no means of communication. I do not know that would be a part of great wisdom or statesmanship. I believe in liberal expenditures by the Government. If there is no other objection save that, I am sure the argument is not sustained that concentrates all the appropriations of this House into the hands of the Committee on Appropriations.

But there are sometimes exceptions to that rule. I served once on the Committee on Naval Affairs. I remember we reported a bill to this House cutting down appropriations in the Navy Department below those which had been reported by the Committee on Appropriations. I have a very distinct recollection of being antagonized by the Committee on Appropriations and of being defeated. So it does not always follow the Committee on Appropriations are going to deal more economically with the public funds than any other committee of this House.

Mr. BLOUNT. May I ask the gentleman whether it was the Committee on Appropriations that defeated the bill? Was it not rather the House that defeated it than the Committee on Appropriations?

Mr. MILLS. My impression is that the Committee on Appropriations turned their backs and saw us die in the House without giving us aid or comfort.

Mr. BLOUNT. It was before the House still. It was here in this House, and it was not because of want of sympathy on the part of members of that committee.

Mr. MILLS. We did not have the support of the Committee on Appropriations, and our bill was defeated in the House. A great deal of this opposition to different committees of this House making appropriations results from a hereditary hostility to this Government making appropriations for the improvement of rivers and harbors. There are a great many democrats on this floor who have inherited the faith of their fathers and the democratic doctrine long years ago, when it was an open question of how the Constitution of the United States should be construed, some holding it should receive a literal construction, that this Government had no power that could not be found in an express grant of words. Then the democratic party held to that doctrine; but since that time we have had a broader interpretation of the Constitution. It is held now the Government can do some things by implied power as well as express power, and the Government has gone on year by year extending the power of the Federal Government, so that to-day it is far beyond the doctrine of our fathers thirty, forty, or fifty years ago. It is now the accepted doctrine among the mass of our people, democrats and republicans, although I do not know much about republicans—I know it is so with most of the democrats where I live—that it is the rightful duty of this Government to improve the lakes, rivers, and harbors, so that the products of the labor of its people may find cheap and easy transportation to market. That is the democracy, as I understand it, of the present day.

There is one other simple objection to the report of the Committee on Rules. I do not know whether that will be amended or not. I have been trying to get the rules so arranged that when a member of Congress desires information from the Departments he can get it during his congressional term. I have frequently failed during two years to get information about the Indians on the frontier. If I offer a resolution calling on the Secretary of the Interior to know something about the Indians on the frontier, some gentleman who is a little dyspeptic rises and objects, and my resolution lies over as it requires unanimous consent before I can get it adopted. A short time ago, when we were amending the rules, I had that amendment offered, or at least it was amended on my motion, that a resolution of inquiry should be referred to a committee and reported within a week and acted on. Now how is it? A resolution is referred to a committee when you offer it, within a week it is to be reported, and then it is to take its place upon the Calendar way down at the foot with five hundred before it. If I were to ask to introduce a resolution asking for information in reference to the Indians now invading Texas from Fort Sill or Fort Stanton reservation, and the committee were to report it was a harmless resolution, and the Secretary might answer it without detriment to the public service, it would go upon the Calendar, and then, some time about the time this Congress would expire, I could have the resolution sent to the Secretary of the Interior for his answer. That is another objection I have to these rules. There may be others, but I will not stop now to consider them, but will yield to my friend from North Carolina, [Mr. DAVIS.]

Mr. DAVIS, of North Carolina. Mr. Chairman, I desire to say only a few words upon the matter now pending before the committee. The Committee on Rules have made a report, after mature consideration, and I am, sir, very reluctant to criticise that report or object to any of its conclusions. The feature of the report which seems to have created more discussion than any other is that which relates to the jurisdiction of the Committee on Commerce over the question of the improvement of rivers and harbors. The old rule referred to that committee for consideration all matters that might be committed to it by the House. The rule as proposed not only gives that committee all the power it possessed under the old rule, but goes still further and authorizes it to prepare the river and harbor bill, and then provides, after its preparation, that it shall be reported to the House and then referred to the Committee on Appropriations for their consideration and supervision. Now, sir, the Committee on Rules had in view some plan whereby the river and harbor bill shall be more thoroughly discussed than it has been heretofore, and in that object I am in hearty sympathy with them; but I must say that my conclusion is that the reference of the report made by the Committee on Commerce to any other committee for its revision will not attain the end desired, because that committee, if it desires so to do, may secure action on the bill under a suspension of the rules, which is the evil sought to be avoided. The complaint is that the Committee on Commerce has hitherto reported the river and harbor bill and procured its passage, under a suspension of the rules, without debate and without offering any opportunity for amendments or for discussion.

What I desire is to see every appropriation bill brought before the House for consideration in Committee of the Whole. I am opposed to the passage of any appropriation of any kind whatever without having it first read item by item, with power to move amendments, and therefore I should be glad to see Rule 112 as it now stands in the rules (clause 3, Rule XXIII, as provided in this revision of the rules) amended so as to provide that this rule shall not be suspended except by unanimous consent.

Gentlemen say that would be giving one man too much power. No. When it goes to the Committee of the Whole the majority of that committee can dispose of it as it thinks proper. Let the bill be considered there; let it be read item by item; let every portion of it be discussed, and then we shall have proper action on it.

We all know—I do not know that there is any impropriety in my saying so—that there has been some reason for the difference in the mode of considering the river and harbor bill from other bills. Why does that reason exist? It is in the fact—and we all know it to be a fact—that the river and harbor bill has been pretty uniformly an omnibus bill, a bill in which the interests of different States and different Representatives and their constituents are put, and put in a skillful way, so as to carry the omnibus with all its freight, good and bad, successfully through, to the great damage of the Treasury.

That we know to be the fact with regard to river and harbor bills; and I venture this assertion, that there has not been a river and harbor bill considered here in which at least one-half of the appropriations would not have been rejected if they could have stood by themselves upon their own merits, and which were only carried through by being in the omnibus with other measures. I regard this system of legislation as vicious, and I wish to see it remedied.

My friend from West Virginia [Mr. KENNA] thinks that this proposition originates in hostility to rivers and harbors. For one I disclaim any such hostility. The gentleman says that "these constitutional scruples generally travel by dry land." Now, as to that I will say that I have no constitutional scruples about proper appropriations for rivers and harbors. But I do have scruples as a Representative here about the manner in which these bills have been passed. I say let the measure come before the House to be discussed, and if any portion of the bill cannot stand the scrutiny of the House let it fail, as it ought to fail. That is all I desire with regard to that.

Perhaps I ought to say, Mr. Chairman, that in declaring that this is an omnibus bill I am only stating a fact of history, and I do not wish to be understood as criticising what has hitherto taken place in any spirit of hostility to the action of the Committee on Commerce. Perhaps they could not have done any better. Perhaps the Appropriations Committee could not do any better. I am doubtful whether they could do any better, and for that reason I am in favor of letting the bill go directly from the Committee on Commerce to the Committee of the Whole on the state of the Union, to be there considered and passed upon item by item, upon its merits. We shall thus, I think, get rid of a vast deal of vicious legislation.

The gentleman from Minnesota [Mr. DUNNELL] said there was no bill introduced into this House that could undergo discussion better than these river and harbor bills. If that is true, why object to their going where they can be discussed? Why object to their going where every clause shall be read by itself? I venture this assertion, that while the river and harbor bill may stand discussion better than any other, there has not been a river and harbor bill for the last ten years which would, if discussed item by item, command the support of half the members on this floor for one-half of its provisions; I mean if every part is considered separately. And yet it passes through under a suspension of the rules by a two-thirds vote.

Mr. ACKLEN. Will the gentleman yield to me for one remark?

Mr. DAVIS, of North Carolina. Yes, sir.

Mr. ACKLEN. There is nothing in the rule as it has stood to prevent the river and harbor bill going to the Committee on Appropriations.

Mr. SPARKS. But the gentlemen of the Committee on Commerce move to suspend the rules. That is what they do.

Mr. DAVIS, of North Carolina. And it is just to meet that that I wish to put in the new rule an amendment declaring that this rule shall not be suspended except by a unanimous vote.

Mr. ACKLEN. Then I understand the gentleman to discriminate against the river and harbor bill, and in favor of the other appropriation bills.

Mr. DAVIS, of North Carolina. If the gentlemen from Louisiana had listened to me he would have heard very differently. If he will do me the favor to read my remarks, he will see that I am opposed to the passage of any appropriation bill under a suspension of the rules, but I desire that every bill shall go into the Committee of the Whole and be acted upon item by item, on its merits.

Mr. ACKLEN. The gentleman's remarks were in reference to the river and harbor bill. The gentleman from Louisiana gave him his undivided attention.

Mr. DAVIS, of North Carolina. I spoke in the outset with reference to all appropriation bills, and if I have confined my remarks mainly to the river and harbor bill it is because that bill has been the omnibus bill, and that bill especially illustrates an evil which I desire to see remedied in this House.

In the last regular session there were motions to suspend the rules and pass appropriation bills, made by the chairman of the Committee on Appropriations, and some of them were passed under the suspension of the rules; but they were so passed greatly to the dissatisfaction of some of us, and I believe my good friend from Texas [Mr. MILLS] among the number.

Mr. MILLS. Oh, no! I voted for them.

Mr. DAVIS, of North Carolina. I hold that all those measures ought to be considered in the Committee of the Whole. It was said in regard to those bills coming from the Appropriations Committee that were passed under a suspension of the rules that we did not have time to discuss them. I hold, Mr. Chairman, that every measure that ought to pass here deserves time for its consideration, and if we have not time to consider we ought not to have time to pass it, especially if it relates to an expenditure of money. No appropriation bill involving the expenditure of millions ought to pass without due consideration, and hence I trust the rules will be so amended as to make it imperative that every appropriation bill shall be considered in Committee of the Whole and that this shall not be dispensed with except by unanimous consent.

The CHAIRMAN. The gentleman from Tennessee [Mr. WHITTHORNE] has twenty minutes of his time remaining. To whom does he yield?

Mr. WHITTHORNE. I yield to the gentleman from Indiana, [Mr. BROWNE.]

Mr. BROWNE. I desire to tender to the Committee on Rules my thanks, that in the revision they have reported they have put the code in a form so compact that a man can read it in an ordinary lifetime, and then they have put it in language in the main so terse and clear that a man of ordinary intelligence can form an idea of what was intended.

I shall vote for the revision as it stands if the House shall not conclude to amend it. But I think the report ought to be amended in at least two important particulars.

I have been, ever since I have occupied a seat in this House, opposed to committing the entire subject of appropriations to a single committee, and upon this question I desire to speak plainly, and I hope I will offend no one.

It has appeared to me, and I think it has so struck almost all the younger members of this body, that the Committee on Appropriations have absorbed and monopolized the whole business of legislation.

It is insisted, indeed the only forcible logical argument I have heard in defense of giving the whole subject of appropriations to a single committee is, that that method will give us a more economical administration of the affairs of this Government, that it will tend to retrench expenditure, whereas if you give the different subjects of appropriation to several committees the tendency will be to extravagance. Sir, it strikes me that the very opposite of that will be the result.

Now, if it be the object of legislation to go into the several Departments of the Government, to examine them thoroughly and completely to ascertain wherein there are abuses, and to cut off improper expenditures here and there wherever they may exist—if such investigation is to be complete and thorough, it strikes me that it is impossible for a single committee to take charge of all those subjects and give them such examination and attention as their importance may require.

To illustrate: It is insisted by a very large number of gentlemen here, and with much force, that the subject of appropriations for the improvement of rivers and harbors should be committed to the Committee on Commerce. Why? Because that is a subject which requires research and investigation. In order that the committee may comprehend that subject they should know the extent of our coasts, our inlets and bays, our rivers and harbors, and they should ascertain to some extent the importance of each to the commerce of the nation. That subject being committed to a single committee, it can investigate it and comprehend it and make intelligible appropriations for it. Now I concede that there is much of force in that argument. But will the gentlemen who insist upon it tell me why the Committee on Commerce is any better qualified to make appropriations for rivers and harbors than is the Committee on Military Affairs to make appropriations for the support of the Army, or the Committee on Naval Affairs for the maintenance of the Navy? Why is it that the Committee on Commerce shall appropriate for rivers and harbors, and at the same time you will deny to the Committee on the Post-Office and Post-Roads the right to investigate and report the necessary appropriations for the Post-Office Department?

Sir, there is an appropriateness in submitting the various subjects of appropriations to these independent and important committees. I believe that if this House will make the experiment it will find my prediction to be true, that you will have a more intelligent and more thorough and more economical administration of the Government, if you will give to each of the committees the duty of preparing the appropriation bills for the particular department that by the rules is committed to the consideration of that committee. If you will give to the Committee on Military Affairs the duty of preparing the appropriation bill for the maintenance of the Army, that committee will examine the military departments of the Government, will ascertain the number of troops, the number and rank of the officers, the number of clerks in the department, the number of military posts, and everything pertaining to the military establishment of the country. If any abuses exist they will ascertain them and will be ready to correct them.

It is simply absurd to assume that a single committee of this House can know more of everythiug that is being done by the different Departments of the Government than would be ascertained if that work was separated and the subjects relating to each particular branch of the Government committed to separate and distinct committees. I assume that every committee of this House is the peer of the Committee on Appropriations. I assume that every member of each of the committees of this House is the equal of each individual member of the Committee on Appropriations; that each is as anxious as the other that there shall be an honest and economical administration of the Government.

And instead of the system which I have indicated leading to extravagance, my belief is that each committee will vie with the others in bringing its work before this House so as to show that it has done something in the way of lessening the burdens of the people. It will be a race of economy and not of extravagance, in my honest opinion.

I know, as the commander of the left flank of the Committee on Military Affairs, that it will be my pride to assist that committee in making appropriations that may be committed to it, and to bring into this House a work that shall commend itself not only to the House, but to the country, and I believe that same spirit would animate every member of every other committee.

I confess to you, Mr. Chairman, that I feel somewhat sensitive upon that subject. People at home judge of the standing of their Representatives by the frequency with which they appear on the floor of this House and the frequency with which their names occur in the Associated Press dispatches. Consulting that record, the people have been inclined to believe that this Congress is composed of about fifteen men and that they all happen to be members of the Committee on Appropriations. Now, I am opposed to that. And I am opposed to it for another reason, in stating which I certainly intend no reflection upon any one. In looking over the committee to which has been assigned this important duty of making appropriations I find the names of perhaps the most distinguished persons in the legislative annals of the nation, certainly the names of those men to whom the leadership of the several political parties may with propriety have been assigned; yet when we commit practically the whole business of legislation to a single committee, and then give the selection of that

committee under the rule to the Speaker, where it may and where it ought to belong, we simply create in that committee a little aristocracy and make the Speaker the autocrat of a republic. That is all there is of it.

It gives him the power to make and unmake men. Whatever there may be of mettle in a man, whatever may be his ability, whatever he might accomplish if he had opportunity, under this arrangement he has no opportunity unless he happens to be one of a fortunate few. I am opposed to this. I am opposed to it in behalf of the younger members of the House, those who have not been or may not be permitted to serve their constituencies for many years—those gentlemen who, as is suggested by a friend near me, have only placed their feet on the mountain-top and are looking over into the promised land. I am in favor of giving these men opportunity; and I do hope that this House may inaugurate this reform and give it a trial at least for a time. Let us see whether we cannot adopt a system which will give to the people a more efficient and economical administration of the Government. I have faith that such will be the result. I shall therefore vote for the amendment to transfer the several subjects of appropriation to the different committees, and until this rule is adopted I shall vote with all my heart to give the Committee on Appropriations the exclusive control of the appropriations for rivers and harbors. If the appropriations for the Army must go to the Committee on Appropriations, I would send the rivers and harbors also to that committee. If they are to have charge of the appropriations properly belonging to any other committee, let them appropriate for all. I would send the river and harbor bill to the Committee on Appropriations for another reason; because I believe that out of the $55,000,000 appropriated for this purpose during the last ten years one-half might as well have been taken to those rivers and harbors and sunk to the bottom.

Mr. DUNNELL. I suppose the gentleman is merely expressing an opinion.

Mr. BROWNE. I am simply expressing an opinion; that is all. My friend from Minnesota [Mr. DUNNELL] is an advocate for the improvement of rivers and harbors in his section, and if he can get $100,000 for them is willing to give four or five millions to everybody else. Let him be made chairman of a committee sent out to find what has become of the $125,000,000 expended in this way within the last twenty years, and he cannot schedule a proper appropriation for fifty millions of it.

Mr. ACKLEN. Did I understand the gentleman to say that unless the appropriation bills were distributed to the various committees which he has mentioned he would propose to send the river and harbor bill to the Committee on Appropriations?

Mr. BROWNE. That is precisely what I said.

Mr. ACKLEN. Does the gentleman believe that the river and harbor bill should go to the Committee on Appropriations?

Mr. BROWNE. No, sir.

Mr. ACKLEN. Then why would you send it there?

Mr. BROWNE. Simply because——

Mr. ACKLEN. Because you cannot get the others referred as you want them.

Mr. BROWNE. Because I simply want that bill to share the common fate. I do not want to discriminate in its favor—to give it a preference over all others. If it be the sense of this House that the Committee on Appropriations may appropriate for everything else, I take it for granted it may appropriate for rivers and harbors also. I will send the river and harbor bill to that committee for another reason—so that I can secure the influence of the gentleman from Louisiana [Mr. ACKLEN] and his friends in doing what is just to the other committees of this House. The gentleman has my answer.

[Here the hammer fell.]

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules revising the rules of the House, and had come to no resolution thereon.

JANUARY 13, 1880.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole to resume the consideration of the report of the Committee on Rules in regard to the revision of the rules.

Mr. SPRINGER. Pending the motion, I desire to know from the acting chairman of the Committee on Rules [Mr. BLACKBURN] when he proposes to limit the general debate on this proposed revision. Can we not now agree upon some time for closing general debate?

Mr. BLACKBURN. In answer to that inquiry, Mr. Speaker, I will say it was the purpose of the Committee on Rules, as stated to the House at the time this report was first submitted for consideration, to accommodate its action to the pleasure of the House. It does not appear that the House is yet content with the unlimited debate, judging from the list filed with the Chairman of the Committee of the Whole for recognition. It is a matter I cannot undertake to answer as to when it will be the pleasure of the House to apply the five-minute rule to this debate.

Mr. SPRINGER. I move, with the consent of the gentleman, that all general debate be limited to two hours. [Cries "No!" "No!"] Then I will modify it so that it be limited to the present day.

Mr. CONGER. It was announced when this report was made that there would be no restriction upon the debate on the revision of the rules until all who desired to speak had the opportunity to do so.

The SPEAKER. The Committee on Rules has not introduced this proposition.

Mr. CONGER. So I understand. That proposition was made to the House, and I presume members have depended on it and that they would not be cut off from general debate.

The SPEAKER. The gentleman from Michigan objects to any limitation at this time.

Mr. SPRINGER. But I have a right to move the limitation.

The SPEAKER. The Chair has recognized the gentleman.

Mr. SPRINGER. I move all general debate on the rules be limited to this day's session.

Mr. CONGER. I move that be laid on the table. That does not carry the bill with it.

The SPEAKER. The shorter way is to vote directly on the proposition, and the Chair thinks there will be no difficulty.

Mr. SPRINGER. I desire to state that this day's session may be continued so as to have an evening session, during which the gentlemen can participate in the general debate.

The House divided, and there were ayes 15, noes not counted.

So the motion was disagreed to.

Mr. SPRINGER. I move that all general debate be limited to to-morrow's session. It is a good time to come to some determination on this subject.

The motion was disagreed to.

Mr. BLACKBURN. I now ask for a vote on my motion to go into the committee.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole of the state of the Union, Mr. CARLISLE in the chair.

JANUARY 14, 1880.

REVISION OF THE RULES.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I desire the attention of the House but for a short time in order to present my objections to some of the rules presented for our consideration. I will say first, however, that I have found much in the report of the committee to commend. It has simplified, harmonized, and condensed the rules in such way as to command the admiration of those who have heretofore experienced difficulties resulting from the perplexities of the system under which we have been operating.

The question concerning the duties of the Appropriations Committee has been sufficiently discussed; therefore I will not ask the attention of the committee in that regard.

I wish, however, to bring to the attention of the committee this fact, that one who has been familiar with the machinery by which the functions of this House have been performed in years past will discover, on examination of this revision, that the committee has so arranged the work of committees that there will be, in effect, but three committees which will have anything of importance to do. It has so arranged the jurisdiction of the committees of this House that there will be three bonanza committees. I allude to the jurisdiction conferred upon the Appropriations, Ways and Means, and the wonderfully enlarged jurisdiction which has been conferred upon the Judiciary Committee.

If you will take the report of this committee in connection with the arguments of its advocates, it will be seen that, if its work is adopted and strictly construed, every bill of any conceivable nature that may be introduced into this House, if it is insisted upon, must legitimately go to one or other of these three committees. I lay the proposition down broadly and propose to show the House that, by the statement of gentlemen who are on the Committee on Rules, and by the report itself, that every bill brought into this House, if these rules are adopted, can be legitimately claimed by the Committee of Ways and Means, the Committee on Appropriations, or the Judiciary Committee. Now let me prove the truth of this statement.

The gentleman from Ohio [Mr. GARFIELD] the other day said to the House that the Ways and Means Committee should have jurisdiction over all questions providing the revenues of the Government, and that the Committee on Appropriations shall have jurisdiction over the method and manner in which expenditures of the Government shall be made. Now, Mr. Chairman, I wish to call attention to the fact that under this revision every bill that does not belong to these two committees would properly go to the Committee on the Judiciary; and, if this report be adopted, it will be entirely useless for the House to keep at least forty-two of the forty-five standing com-

mittees provided for, with their clerks and other expensive appendages.

On page 32 of the report it will be found that jurisdiction has been assigned to the Judiciary Committee as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

* * * * * * *

4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary.

Subjects relating to judicial proceedings, subjects relating to law, criminal and civil, shall go to this committee under that rule. Is it possible to conceive of a bill that can come before this House which does not in some form relate to law, civil or criminal? If a gentleman brings in a bill here providing a pension for a wounded soldier, some of those who serve upon the Judiciary Committee can very properly insist that it relates to the pension law, and therefore it must go to the Judiciary Committee for its consideration. If one should bring in a bill in relation to granting extension of a patent or to a change in the laws relating to patents, some gentleman on the Judiciary Committee would perhaps be quick upon his feet and insist that that bill, relating, as it would, to the law of patents, should be referred to the Judiciary Committee.

Any measure of any kind whatever, under the wording of the proposed rule, would go to the Judiciary Committee, because we cannot pass a bill in Congress which does not in some way relate to civil or criminal law. Every bill passed and finally adopted and signed by the Executive is a law. I say, therefore, Mr. Chairman, that if these three committees are to absorb the jurisdiction of all the other committees of the House it will be very proper for us to abolish all of the other committees, and then, in order to save the wounded feelings of those who are deprived of positions which they now enjoy and give all something to do, I would suggest that all the members of the House be divided out on those three committees. All will then stand upon an equality—the equality advocated by Jeremy Bentham: "Everybody to count for one, and nobody to count for more than one." This revisal has greatly, and I think unwisely, enlarged the powers and jurisdiction of the Committee on the Judiciary beyond what was ever conferred on it in any Congress of the past. During the last extra session the question arose between the Committee on Revision of the Rules and the Committee on the Judiciary as to rightful jurisdiction over a bill introduced by myself and referred to the former committee. In discussing then this question I called attention to the history of the rules establishing these committees and the practice of the House in referring business to them.

The history of the Judiciary Committee shows that it was created in 1813 and its jurisdiction defined to extend and relate alone to judicial proceedings. That has remained as the only definition of its power and jurisdiction to this day, as will be seen by reference to the present rules.

I ask that the Clerk shall read in this connection the eighty-third rule, which has been in force since the origin of that committee.

The Clerk read as follows:

RULE 83. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or shall come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relating thereto as to them will seem expedient.

Mr. TOWNSHEND, of Illinois. That is the only extent of the jurisdiction heretofore conferred on the Judiciary Committee, "such petitions and matters or things touching judicial proceedings as shall be presented." Prior to 1813 there was no Judiciary Committee. The functions performed by that committee since its creation pertained to the old Committee on Revisal and Unfinished Business, a committee to which the Committee on the Revision of the Laws is the successor. Now the Committee on Rules so enlarges the jurisdiction of the Judiciary Committee as to give it the powers which rightly belong to all the committees except the Committees on Appropriations and Ways and Means, by adding to their jurisdiction "all subjects relating to civil or criminal law."

Mr. Chairman, I once before insisted in this House that by strict construction of the rules in connection with the practice of this House the jurisdiction of the Judiciary Committee is not more extensive than that of the Committee on the Revision of the Laws. The Committee on the Revision of the Laws was created in 1869. I will send to the Clerk's desk and have read the resolution creating the committee, in order to show that it is the successor of the old Committee of Revisal and Unfinished Business, a committee which had had an existence from 1795 down to 1869, at the time of the creation of its successor.

The Clerk read as follows:

Resolved, That the rules be amended so as to provide for the appointment at the commencement of the next session, and at the commencement of each Congress thereafter, of a standing Committee on the Revision of the Laws, to consist of nine members, and that so much of the rules as provides for a Committee of Revisal and Unfinished Business is hereby rescinded.

Mr. TOWNSHEND, of Illinois. That was the resolution rescinding the powers conferred on the Committee of Revisal and Unfinished Business and giving jurisdiction to the Committee on the Revision of the Laws. Under the operation of that resolution, in 1870, 1871, 1872, &c., bills of various kinds were referred to the Committee on the Revision of the Laws; not bills simply limited to a revision and codification of the statutes, but a variety of bills amending the Statutes of the United States. Mr. Poland, of Vermont, was chairman of the committee in 1870 and 1871. One bill that I have in my mind's eye now was in regard to the bankrupt law. It was acted upon by the committee, reported to the House, debated, and adopted. Another bill that I now recollect was for the purpose of regulating the practice in appeals from the circuit to the Supreme Court of the United States. The bill was in charge of Mr. Butler, of Massachusetts, who was a member of that committee. It was reported to the House, debate on it extended through several days, and was finally enacted into law. And no member of this House ever questioned the jurisdiction of the Committee on the Revision of the Laws over such matters. I will not consume time in particularizing other bills which have been considered by that committee.

Now, Mr. Chairman, what work does this revisal mark out for the Committee on the Revision of the Laws? If you will turn to page 33 of the report you will find that the only jurisdiction provided for in these rules for that committee is this:

The revision and codification of the statutes of the United States.

The Committee on Rules has emasculated the Committee on the Revision of the Laws; nay, it has annihilated it, and all the power it has stripped from the Committee on the Revision of the Laws it has conferred on its rival, the Judiciary Committee. We know well the difficulties and the delay in procuring action on bills referred to the Judiciary Committee in the last Congress. Why was it so? Simply because that committee was overcrowded with business. Now this Committee on Rules comes in here and would still further delay the transaction of business in the Judiciary Committee by dumping into its committee-room every bill which might very properly, under the rule as it has heretofore existed, be sent to the Committee on the Revision of the Laws. I am simply desirous now of calling the attention of the House to this question, and letting it be known that at the proper time an amendment will be offered to this rule giving to the Committee on the Revision of the Laws what in my judgment has heretofore properly belonged to it; and that is not only the revision and codification of the statutes, but also the right to consider all bills which are brought in here looking to an amendment of the statutes.

When that is done we will leave an abundance of work to the Judiciary Committee. I am perfectly willing that the powers of the Committee on the Revision of the Laws shall be limited to that extent—a revision and codification of the statutes and amendments of existing statutes. I have made these remarks in no unkind spirit toward the Judiciary Committee. I have made them in order to expedite properly the business coming before this House. We have on this committee gentlemen of good legal attainments, and who, in my judgment, are as capable of passing upon questions of the nature indicated as the gentlemen who sit upon the Judiciary Committee. As a matter of common sense, answer me the question, Why should you keep in existence a committee, with a clerk and all the outfit of an ordinary committee, and so arrange the rules that it shall have nothing whatever to do, while another committee of this House is overburdened and overcrowded with work? I will not say that all the members of the Judiciary Committee are desirous that it shall have charge of matters which properly belong to other committees.

Some of the members of that committee are very liberal, and are perfectly willing that other committees of this House shall have a fair share of business for their consideration. But there are members of that committee who have manifested an itching desire to encroach on the domain of other committees, and especially that of the Committee on the Revision of the Laws.

I will particularize an instance. In the last Congress, in October, 1877, I introduced a bill repealing the law authorizing the removal of causes from State into Federal courts. It was a bill of deep importance to the people of the section which I have the honor in part to represent. It was indeed a bill of deep importance to every section of this country. That bill lay in the hands of the Judiciary Committee from October, 1877, until the expiration of the Forty-fifth Congress, that is to say, for two years, without being reported back to this House. When this house met in March last I introduced that bill again, had it referred to the Committee on the Revision of the Laws, and in less than sixty days the bill had received consideration in the committee and was before this House for consideration and action.

As soon as the bill came in here a former member of the Committee on the Judiciary, who is at present a member of the Committee on Rules, [Mr. FRYE,] leaped to his feet and raised an objection to the consideration of the bill because it had not come from the Committee on the Judiciary, the Committee on the Judiciary under the rule having power and jurisdiction only over questions concerning judicial procedure. Yet that gentleman was not willing that any bill relating to the judicial department of the Government or the courts should be considered by any other committee than the Judiciary Committee.

Gentlemen here will remember the struggle that ensued between the Committee on the Revision of the Laws and the Committee on the Judiciary with regard to the proper control of that bill. The decision of the House finally gave the control of it to the Committee on the Revision of the Laws, and the bill is now pending before the House for action.

It seems, however, that there is still a jealous spirit on the part of some of the members of the Committee on the Judiciary with regard to this very bill, for I learn from the public prints that they are having a somewhat similar question under consideration in the Judiciary Committee. I cannot imagine any other reason for the action of the Judiciary Committee on that question when its members know full well it is before us, has been quite fully debated, and stands at the head of the public calendar to-day, and which will doubtless be considered by this House as soon as this report of the Committee on Rules shall have been disposed of.

My only purpose now is to draw the attention of the House to this question and to say for one that if it is to be the settled policy of the House that all important interests are to be considered and disposed of by these three bonanza committees, for one I will insist that we shall abolish all the other committees of this House and save to the tax-payers of the country the many thousands of dollars which will be uselessly expended in providing clerks, &c., for which we will have nothing to do.

I now yield to the gentleman from Maryland, [Mr. McLANE.] I would inquire of the Chair how much time I have left?

The CHAIRMAN. There is forty minutes of the gentleman's hour remaining.

Mr. TOWNSHEND, of Illinois. I yield twenty minutes to the gentleman from Maryland, [Mr. McLANE.]

Mr. McLANE. Mr. Chairman, I do not think as badly of the old rules as some gentlemen who have addressed the committee. Nevertheless I appreciate fully the value of this condensation of the rules, and I should be very sorry to take any course in regard to this report which would endanger its adoption by this House.

But in so far as the twenty-first rule has been criticised in connection with the rules distributing work to the various committees, I do not feel that full justice has been done to the amendment proposed by the chairman of the Committee on Commerce, [Mr. REAGAN.] The report of the Committee on Rules treats the bill making appropriations for the improvement of rivers and harbors as a general appropriation bill; and it argues that because it is a general appropriation bill it should take the course of all other general appropriation bills and go to the Committee on Appropriations. Now, what could have possessed the Committee on Rules to make such a statement to this House I am at a loss to understand.

The twenty-first rule defines what are the general appropriation bills. That rule, which is an old rule of the House, and now reported for our adoption, designates as general appropriation bills and the bills which shall go to the Committee on Appropriations such bills as appropriate money for purposes authorized by law. That is why there is no reflection upon any other committee when such bills are allowed to go to the Committee on Appropriations.

The Army appropriation bill, the naval appropriation bill, and the Post-Office appropriation bill go to the Committee on Appropriations without any reflection at all upon the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on the Post-Office and Post-Roads; because those three committees have already brought to the attention of the House the laws which require the appropriations of money for those purposes to be made. The laws organizing the Army, the Navy, and the Post-Office Department are reported to to this House from those three committees, the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on the Post-Office and Post-Roads. The Committee on Appropriations bring in the bills making the appropriations required by those laws, and such bills are known as general appropriation bills.

Now, the river and harbor appropriation bill of itself for the first time authorizes the appropriation of money and also the improvement of rivers and harbors. The circumstances connected with that bill are anomalous. A simple provision authorizing the improvement of a harbor or the improvement of a river does not carry with it any knowledge of how much money shall be appropriated for that purpose in that particular year. But the Army appropriation bill and naval appropriation bill give the House all the information it wants in that respect.

The Committee on Military Affairs report a bill authorizing the construction of a certain number of forts. The Committee on Naval Affairs reports a bill authorizing the building of a certain number of steamships for the Navy. Then the Departments of the Government estimate from year to year what is wanted for the erection of those forts and for the construction of those steamships.

But when we come to the subject of the improvement of rivers and harbors from year to year, the sums appropriated for that purpose, as also the expediency of the works themselves, depend upon the surveys. The same inquiry which enables the Committee on Commerce to designate what particular river and what particular harbor shall be improved will enable that committee, in its discretion, to designate how much money shall be expended in that particular year for the improvement of that particular harbor and that particular river. And if a general reduction from the estimates is necessary that committee indicates it, and it always is necessary. There never was in the history of any Congress a river and harbor appropriation bill passed that was not reduced in amount from the estimates, whether that reduction refers to particular works or to the general number of works for which surveys have been ordered, which are always in excess of the number of works ultimately appropriated for and sanctioned by the committee. Those surveys being made at the request of any member of this House, under an order or resolution of the House, a resolution may be passed through this House at any time requiring information from the Department concerning the cost of improving a certain river or harbor. But the House is in no sense committed to appropriate money for that improvement. That proposed improvement is analyzed by the Committee on Commerce with the survey, and is left out altogether, or a portion of the estimated amount is appropriated and a partial improvement authorized.

The river and harbor improvement appropriation bill is altogether an anomalous bill, bearing no relation at all to a general appropriation bill, which, according to the twenty-first rule, appropriates money for objects already authorized by law, and none others, while the river and harbor bill necessarily authorizes by law the construction of the work in question, while it appropriates at the same time and in the same bill the amounts necessary for the construction of the work in the particular fiscal year for which the appropriation is made. It not only bears no relation to it technically—for, as I have said, this twenty-first rule defines what are appropriation bills—but it is impossible for any other committee than that which authorizes the improvement itself to fix the amount to be appropriated. The two things go together. It is an appropriation bill. That is all that can be said about it; and under the rules of this House it goes to the Committee of the Whole. It has no privilege to be passed under a suspension of the rules. If this point had not been so fully developed I would go into it again; because at the very last, after full explanation had been made, an honorable gentleman on my right referred to this river and harbor bill as a vicious bill, because it could be passed without discussion. Why, sir, the rules recommended for our adoption permit no such thing. They require the bill making appropriations for rivers and harbors to go to the Committee of the Whole, as every other appropriation bill goes. That bill has no privilege whatever that every other bill has not.

It may be true that if such be the pleasure of the House when it comes to consider the river and harbor bill, discussion may not be permitted for one reason or another. But it is, and always will be, the pleasure of this House to pass other bills without permitting discussion. I have no disposition to conceal my own opinion as to why this House has chosen at times to pass a river and harbor bill under a suspension of the rules. It would be very idle to conceal it, because year after year the explanation is made on the floor of this House, before the motion to suspend the rules is adopted. The reason is, that the bill is brought to this House after having been matured by the committee, and if two-thirds of the members are in favor of the bill as reported, then as a matter of course it is passed under a suspension of the rules, to prevent the bill being loaded down with other propositions. If this bill has ever been passed by the House under a suspension of the rules, it has been in the interest of economy. No gentleman doubts that this has been the motive for thus passing it.

Mr. SPARKS. Allow me a moment. Is there not the additional motive of preventing the striking out or amending of objectionable features as well as to prevent loading the bill down? The bill may contain a great many items, many of which a member might approve while others he might wish to oppose, and if possible have struck out, giving his support only to such items as he approves. Is not this a part of the consideration?

Mr. McLANE. Mr. Chairman, practically I suppose that is not part of the consideration. I suppose that practically the question is precisely as I have stated it—that the reason influencing this House in suspending the rules to pass the river and harbor appropriation bill is to prevent additions being made to it.

But, Mr. Chairman, I do not mean to dwell upon that point as being at all pertinent to what I have to say about the rule. I only wanted to say that there is nothing in the rule which authorizes the river and harbor bill to be passed under a suspension of the rules. I only wanted to call attention to the fact that the question of the suspension of the rules rests with the House, in its own discretion, precisely as it rests with the House to pass any other bill under a suspension of the rules. I rose for a very different object. I rose to call attention to the fact that the river and harbor bill is not a general appropriation bill. I rose to call attention to the further fact that the twenty-first rule is a rule which designates what are general appropriation bills. Now, I say that if the twenty-first rule stood as originally in force, no complaint would have been made against the Committee on Appropriations as having absorbed the business of this House. That twenty-first rule as originally framed confined the Committee on Appropriations to objects already authorized by law. This I say in vindication of the rule and as the answer to those who have alleged that the Committee on Appropriations has absorbed the legislation of the country.

I am very anxious to make myself understood upon this point. The river and harbor appropriation bill is a bill peculiarly proper for the Committee on Commerce to perfect. Nobody takes any exception to this position. Every gentleman who has addressed the committee has conceded that the preparation of the river and harbor bill ought to be confided to the Committee on Commerce. The point taken by the Committee on Rules is that after this bill has been perfected in the Committee on Commerce it should go to the Committee on Appropriations. The Committee on Rules fell into what I consider a

most extraordinary error of saying it ought to go there for the reason it is a general appropriation bill. I desire to say that it is not a general appropriation bill at all. This I show by calling the attention of the committee to the twenty-first rule, which is an old rule, and which it is proposed to re-enact. That rule is:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Under that rule the Army and Navy bills, and the Post-Office bill, and bills for the erection of public buildings, are framed by the Committee on Appropriations. A certain number of post-offices in the country have been authorized by law to be built. They are authorized by law as reported by the Committee on the Post-Office and Post-Roads, and by law certain ships have been authorized to be constructed, and they have been authorized under laws reported from the Committee on Naval Affairs. So with ports; so with ordnance; so with public buildings; so with all the great expenditures of the Government, including the pay of soldiers. They have always been authorized by laws reported to this House from appropriate and proper committees. When these objects have been authorized by law, then, and not till then, have the Committee on Appropriations any right to report a bill concerning the Army, or the Navy, or the Post-Office. If we had stopped there—and there is where we stood originally—if we had stopped there the Committee on Appropriations would have had less to do than any committee in this House; it would have had no original responsibility or discretion at all; but in the interests of economy, entirely in the interests of economy, the latter part of the twenty-first rule was adopted, and that permits the Committee on Appropriations, as it permits every individual member of this House, to move amendments to these general appropriation bills, if they are germane and are already authorized by law and if they tend to reduce expenditures. And it is only when an object has been authorized by law and when the amendment does tend to reduce expenditures that the Committee on Appropriations can do anything at all beyond the appropriation of money for objects authorized by existing laws.

There is, therefore, no reason at all why we should make war on the Committee on Appropriations. We can very well leave that committee to provide the means for carrying on this Government in the manner, and only in the manner, which the law of the land authorizes, restricting them to the privilege of making amendments germane to objects authorized by law and reducing expenditures. And I for one would not disturb them in the possession of this power, and I do not believe there is a man in this House who would desire to take away from them that power.

Mr. BLOUNT. Will my friend allow me to ask him a question?

Mr. McLANE. Yes, sir.

Mr. BLOUNT. Is it not competent for any member of this House to restrain the Committee on Appropriations within the limits just stated?

Mr. McLANE. Perfectly; but I think the statement I have made to the House is sufficient for my argument that the Committee on Appropriations can do nothing but bring in bills appropriating money to carry out objects already authorized by law or to amend those bills by reducing expenditures, providing the amendment is germane to an object already authorized by law.

The CHAIRMAN. The gentleman's twenty minutes are up.

Mr. McLANE. My friend will allow me to go on—he gave me the whole of his time.

Mr. TOWNSHEND, of Illinois. Certainly.

Mr. McLANE. Now, with that explanation of why I had no war to make on the Committee on Appropriations, I feel at liberty to recur to the rule which undertakes to confine the Committee on Commerce to the preparation of a bill and then requiring the submission of it to the Committee on Appropriations.

Mr. Chairman, if it be the pleasure of this House to do what it never has done, submit one committee to the supervision of another, then let it take a mode more intelligent; not only more intelligent, but in much better taste than the mode prescribed in this new rule. Let them authorize the Committee on Commerce to prepare a river and harbor bill without appropriating the money. Let them confine the Committee on Commerce to the preparation of a river and harbor bill proper. Let that committee go over the estimates and the surveys and report to this House what the exigencies of commerce demand, what rivers require improvements, what harbors require improvements, and let them submit precisely such a bill as the Committee on Military Affairs or the Committee on Naval Affairs would, and then let the Department estimate directly to the Committee on Appropriations for the money necessary to improve these rivers and these harbors.

Let the Committee on Commerce by law designate what rivers and what harbors ought to be improved, and then let the Government estimate for the money necessary to carry on those improvements, year by year. Then you will not submit the Committee on Commerce to be supervised by your Committee on Appropriations. You leave your Committee on Commerce precisely where you leave your Army, your Navy, and your Post-Office Committee. They will bring in a law which authorizes a certain expenditure of money in the construction of certain public works, and because the law authorizes it, it then becomes the duty, under the twenty-first rule, of the Committee on Appropriations to appropriate the money. They have no discretion about it except in so far as Rule XXI gives them discretion, which is to reduce the appropriations. The House would then be going intelligently to reach its results without degrading the Committee on Commerce. Doubtless, if it be the pleasure of the House to sustain the Committee on Appropriations in reducing those expenditures, that is legitimate, just as we can reduce the expenditures for the Army under this twenty-first rule. It is for that I want the attention of the committee.

The law authorizes now a certain expenditure for the Army and a certain expenditure for the Navy. Very well; it is entirely competent for the Committee on Appropriations to move to reduce the expenditures now authorized by law. That is doubtless what a large and very respectable number of gentlemen would like to do in reference to the river and harbor bill. My appeal is, to such of them as want to reduce appropriations, to proceed in a parliamentary manner and with proper respect to the committees of this House, and, what is more material, paying proper attention to the rules of this House. That is why I make my criticism on the report of this Committee on Rules that they should, in the very moment they are revising these rules and giving us this perfect code, utterly ignore one of the most important rules they have given for our consideration, and that is the twenty-first rule.

Now, sir, one word more as to that twenty-first rule, and that is addressed to those gentlemen who would take away from the Committee on Appropriations this general business of the House. I wish to make my special point on that rule that once the object being defined by law that committee has no power over it except to reduce expenditures; and in that view of the case I for one would make no war on it, because it always rests with the House to approve or disapprove the recommendation of the committee. The only thing the Committee on Appropriations can do is to recommend to the House to spend less money than has been estimated for; and that is a very great and important duty which ought not to be taken away from any committee that has been charged with the preparation of the general appropriation bills for the support of the Government, as the House should never lose for a moment its prompt and intelligent control of the national expenditures.

If it proposes to take away too much and reduce expenditures injudiciously, it is in our power to reject their economic recommendation and to adhere to the estimate, but they can originate no reform or appropriation of money—in my judgment they can originate no economy even. The only economy they can recommend to the consideration of this House, is economy on objects authorized by law and estimated for by the Government, and that is a power which I, for one, will never assail. But while I will never assail the committee which is charged with retrenchment or authorized at all events to propose retrenchment, I would give to it no more jurisdiction than is given by the twenty-first rule. As it stands in the report of the Committee on Rules you degrade the Committee on Commerce by sending for revision to the Committee on Appropriations the work which has occupied it fivefold the time which can be bestowed on it by the Committee on Appropriations in the process of revision.

Mr. THOMPSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. McLANE. With pleasure.

Mr. THOMPSON, of Iowa. If the only thing the Committee on Appropriations can suggest is the spending of less money, cannot any gentleman of this House propose the same thing?

Mr. McLANE. I did not hear the inquiry.

Mr. THOMPSON, of Iowa. Cannot any intelligent gentleman ask the same thing from the House as the Committee on Appropriations?

Mr. McLANE. Certainly he can; and I think I have already stated what is substantially an answer to the question, if I understand it.

Mr. FRYE. I should like to ask the gentleman a question: whether or not he would favor a rule like this: It shall not be in order for the Speaker to entertain any motion for the suspension of the rules and the passage of the river and harbor bill until that bill has been first considered in the Committee of the Whole?

Mr. McLANE. Mr. Chairman, the answer I mean to make to that question may be unsatisfactoyr, although I think it ought not to be so considered. I would cheerfully apply that rule to the river and harbor bill if there was any good reason which required it to be applied to all other appropriation bills, but I do not think it would be easy to take from this House the right to suspend the rules for the passage of any bill. I do not think it would be judicious, and nobody knows it better than the gentleman from Maine, whose experience is much greater than mine, much greater than most other gentlemen in this House; and I need not say to him that there are constantly occurring exigencies which make it a necessity to suspend the rules for the passage of appropriation bills.

Mr. FRYE. Therefore the gentleman is in favor of the rule standing precisely as it does now in relation to that bill?

Mr. McLANE. No; I propose to strike out of that paragraph which defines the duty of the Committee on Commerce so much of it as requires the reference of the river and harbor bill to the Committee on Appropriations.

Mr. FRYE. I understand the gentleman is in favor of the old rule in relation to that.

Mr. McLANE. I am; certainly. I do not think it can be changed as proposed in the report of the Committee on Rules.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] has ten minutes of his time remaining.

Mr. TOWNSHEND, of Illinois. I yielded the whole of my time that remained to the gentleman from Maryland, [Mr. McLANE.]

The CHAIRMAN. The Chair recognizes the gentleman from Virginia, [Mr. CABELL.]

Mr. CABELL. Mr. Chairman, I shall endeavor to occupy but a short portion of the time of the committee. I had intended to discuss at length some of the questions involved in the report of the Committee on Rules, but I find that there is such a general desire to close this debate that I shall be as brief as I can.

The distinguished Committee on Rules have, as was to be expected, not given entire satisfaction by their report. Indeed, it is impossible that they should have done so. Many of the members of this House entertain the idea, Mr. Chairman, that the business of this House should be better and more equally distributed than it is. Many of us believe that all matters relating to military affairs should be referred to the Military Committee, and that that committee should recommend appropriations for military purposes to the House. We believe, too, that the Naval Committee should make the recommendation for appropriations for all naval purposes. We believe that the Commerce Committee should recommend appropriations for those matters relating to harbors; and that all other committees charged with important duties wherein appropriations are involved, or to which they relate, should recommend such appropriations to the House. I agree with many gentlemen who have preceded me in regard to this matter, and as that question has been fully discussed I will not detain the House longer with reference to it.

The Committee on Rules, Mr. Chairman, in its wisdom has seen fit—as indeed it has done in the case of many other committees—to impinge upon the rights, the privileges, and the prerogatives of that committee over which I have the honor to preside; and it is particularly in behalf of that committee that I speak to-day. And I ask the attention of the House to what I shall submit, because in part I shall express the ideas, I think, of many gentlemen upon this floor in regard to the distribution of the labors of Congress. We all know that many of the rules of this House are rules of obstruction rather than rules of facilitation. I shall not allude further to that subject as relating to other committees, but I will say that in the report made by the honorable Committee on Rules it has been deemed best to alter one of the rules of this House, namely, Rule 94, by striking out from the rule that portion of it which relates to the "improvement of the navigation of rivers," thereby depriving the Committee on Railways and Canals of the powers and jurisdiction which have pertained to that committee since 1831, which powers and jurisdiction, I will here say, have very many times by the orders or practice of the House been accorded to the Committee on Commerce, now presided over by my distinguished friend from Texas, [Mr. REAGAN.]

I was somewhat amused the other day, when this discussion commenced, that the first voice of lamentation should come from the Committee on Commerce—that committee which I will not say ruthlessly but certainly without regard to the rights and interests of the Railway Committee, and without thinking of the infringement upon our rights, or how, perhaps, it might reflect upon us, has, for a series of years, I will not say usurped but deprived us of a part of our jurisdiction and taken it to themselves.

In the general principle of absorption which has prevailed in behalf of many of the committees of this House the Committee on Commerce has caught the infection, and has for a number of years absorbed a great part of the business and duties of the Committee on Railways and Canals. I do not complain particularly of gentlemen who now compose the Committee on Commerce in regard to that matter. They have simply been following precedents laid down for them by their predecessors and by the House itself. The trouble has been going on for years, and now that we have come to the consideration of the revision of our rules it seems to me to be a good time to put a check to a bad practice, and to make such changes, such alterations and amendments as will tend to facilitate business and advance the legislation of the country.

Prior, Mr. Chairman, to the Twenty-second Congress matters relating to the improvement of rivers and harbors were generally assigned to a special committee selected at each Congress for the purpose, and designated as the Committee on Roads and Canals.

The Committee on Commerce was created in 1795, and that committee, it is true, sometimes had the consideration of the improvement of the navigation of rivers, as well as of harbors, for a long series of years. So had the Ways and Means Committee. But in process of time, when business commenced to accumulate, when Congress was cumbered with much thinking, and much working too, it was found that other means would have to be resorted to than through existing committees to compass the vast amount of business submitted for the consideration of Congress. The House, as I have stated, had special committees to inquire into matters of the kind of which I have spoken until the time of the Twenty-second Congress, when the Committee on Roads and Canals, now Railways and Canals, was erected into one of the standing committees of this House. After that, for seven long years not a bill in relation to the improvement of the navigation of rivers was referred to the Commerce Committee.

In the second session of the Twenty-third Congress the Roads and Canals Committee submitted two general bills for the improvement of navigation of rivers. In the Twenty-fourth and Twenty-fifth and Twenty-seventh Congresses they also submitted general bills for the improvement of the navigation of rivers, that matter not having been at all interfered with by the Committee on Commerce. The Committee on Commerce during that time were reporting general bills for the improvement of harbors and matters relating to the outgoing commerce of the country. They gave no consideration whatever to the question of the improvement of the navigation of rivers.

And so it continued up to the time of the Twenty-eighth Congress. Perhaps I should say that during the Twenty-third Congress the question arose, brought before the House by a gentleman by the name of Bayliss, I believe, in regard to the improvement of the great Taunton River and the removal of obstructions from and the placing of buoys in its channel. A contest upon the subject arose at that time and it was discussed in the House fully. The two rules, Rule 79, relating to the Committee on Commerce, and Rule 94, relating to the Committee on Roads and Canals, were both fully discussed and considered. The determination of the House at that time was to refer the matters relating to the placing of buoys upon the river to the Committee on Commerce, and the matters relating to the removal of obstructions from the channel of the river to the Committee on Roads and Canals. In that way, or rather through that discussion, we have a construction placed upon the powers and jurisdiction of the two contesting committees at a period contemporaneous with the establishment of the Committee on Roads and Canals.

After that for years there was no question and no dispute about the jurisdiction of the two committees. They worked harmoniously together until comparatively a few years ago. The distinction between the rights and privileges of the two committees, which each for a long time observed, seemed to be this: that all questions relating to the improvement of harbors, looking to the sea-going or outward-bound commerce of the country, were referred to the Committee on Commerce; and those questions that related to the internal navigation of the country and the improvement of the navigation of rivers were referred to the Committee on Roads and Canals.

In former years, so far as we are informed, little or no conflict arose between the different committees of the House, but each performed its duties industriously and efficiently in perfect harmony with the other, and each from time to time extended the hand of assistance to the other, whenever required or as opportunity was afforded. There has been the most perfect friendliness between the two committees, on Commerce and on Railways and Canals, so far as I am informed; and I trust as it ever has been so it will continue to be.

For the chairman of the Committee on Commerce and its genial members I have the kindest and warmest feelings of regard. It is with no purpose to attack that committee that I now speak. It is in conformity with that general wish which I and others entertain that the business of this House shall be so distributed that each commitee can compass and complete its work without unnecessary labor and delay, so that each committee may aid the other, and that the business of this House and the people be facilitated and perfected in a manner honorable to Congress and beneficial to the country.

Upon examination I find that the first time the Committee on Commerce reported a general bill for the improvement of rivers and harbors was during the existence of the Twenty-eighth Congress. At that time that committee reported a general bill for the purposes named, which bill I believe was referred to the Committee of Ways and Means. The Committee of Ways and Means reported in favor of the appropriation, in pursuance of the recommendations made by the Committee on Commerce.

It is proper, however, to note that the report from the Commerce Committee just mentioned was induced by the fact that, for some special reason, that portion of the President's message relating to the improvement of the western lakes and rivers was referred by the House for the action of that committee.

Before that period the Committee on Roads and Canals had reported general bills to the House for the improvement of rivers, and those bills were also referred to the Committee of Ways and Means, and that committee made the appropriations pursuant to the recommendation, or included the action of the committee in the report from Commerce, and thus made up in fact what became a river and harbor bill. In this way was this business conducted.

Since the adoption of Rule 94 I can see no warrant of authority for the Committee on Commerce ever to have taken jurisdiction of the improvement of the navigation of rivers. Prior to that time I can well understand why bills on that subject were submitted to the Committee on Commerce, and why that committee reported upon them. I have not a question that such matters were referred to the Commerce Committee, because it was the duty of that committee to consider propositions more nearly akin to the improvement of the navigation of rivers than any other existing or standing committee of the House.

I think and believe, therefore, that in process of time the Committee on Commerce overstepped the rule, overstepped the bounds of its appointment, and entered upon a work which had been set apart, subsequently to 1831, for the Committee on Roads and Canals, afterward called the Committee on Railways and Canals.

I stated awhile ago that up to the Twenty-eighth Congress the Com-

mittee on Commerce had never reported a general bill for the improvement of rivers and harbors. At that time I think they reported such a bill, and it was perhaps enacted into a law. That committee assumed from year to year to bring in other river and harbor appropriation bills without any contest up to the first session of the Thirty-second Congress.

At that session a Representative from the State of Illinois, Governor Yates, I believe, introduced a bill for the improvement of the Illinois River, and asked that it be referred to the Committee on Railways and Canals. Mr. Seymour, of New York, then a Representative on this floor, objected to that reference and asked that the bill be referred to the Committee on Commerce. There was an extended discussion of the question, and hours were spent in its consideration. The House divided; tellers were had, and the yeas and nays called; and at last, by a vote of 113 to 70, the jurisdiction of the Committee on Railways and Canals was sustained, and the bill was referred to that committee.

Mr. REAGAN. If my friend will allow me, I will call his attention to what I think he will see are some errors in his statement. He has stated that the Committee on Commerce never reported a bill for the improvement of rivers and harbors until the Twenty-eighth Congress. A reference to the records of the House will show that the act of April 27, 1816, for the improvement of rivers and harbors, was reported to the House by that committee and passed by the House; also the act of March 3, 1823, the act of May 26, 1824, and the act of March 2, 1827, all bills for the improvement of rivers and harbors, which were reported to the House by the Committee on Commerce and passed by the House. Then, by the act of June 11, 1844, a bill was passed upon its report; by the act of March 3, 1845, a bill was passed upon its report, and so on down.

I beg further to say, while endeavoring to correct statements of fact, that so far as the Journals and the laws show I have never found, after a pretty full examination, a case in which a bill for the improvement of rivers and harbors has been reported to this House from the Committee on Roads and Canals.

Mr. CABELL. Mr. Chairman, my friend the distinguished gentleman from Texas is correct in part, but errs greatly, I think, in other portions of his remarks. It is true, as he alleges, that the Committee on Commerce as early as 1816 and subsequently reported general bills for the improvement of rivers and harbors. That fact does not come in conflict with anything that I have said—certainly not in conflict with anything I have intended to say.

The Committee on Roads and Canals, now the Committee on Railways and Canals, was not designated as a standing committee of this House until 1831. Prior to that time of course all matters in reference to the improvement of the navigation of rivers were, as I have said, considered by other committees; sometimes by the Committee of Ways and Means, sometimes by the Committee on Commerce, and sometimes by special committees constituted for that purpose.

But I say that my friend falls into a mistake by overlooking this fact: that never until the Twenty-eighth Congress was a river and harbor bill passed upon its presentation to the House by the Committee on Commerce. It is true, as my friend alleges, that the Committee on Commerce presented general bills for the consideration of Congress, but as a general thing, from 1831 down to the Twenty-eighth Congrees, that committee presented only general bills in relation to the improvement of harbors necessary for the safety and protection of the commerce of the country. The Commerce Committee did not assume to present bills for the improvement of the navigation of rivers until many years subsequent to the last-named date. But when the Committee on Roads and Canals was established, in 1831, that committee considered questions in regard to the navigation of rivers and made general reports, which reports, like the general reports from the Committee on Commerce, were referred to the Committee of Ways and Means, which, as the financial committee of the House, took the reports into consideration, and in its judgment recommended that the matters of interest reported by its associate Committee on Roads and Canals should have appropriations made for them to such extent as a prudent administration of the finances of the country would permit.

Mr. Chairman, the questions to which I have invited the attention of the committee are important. We are now revising the rules of the House. From a large majority of the committees comes up the wail that three or four other favored committees are absorbing the powers and prerogatives of all the rest. Why, sir, I have heard it asserted on this floor to-day that we might as well have but three or four committees of the House; that Congress had as well be disbanded until the gentlemen comprising these favored committees should make up their reports and send for us to come here—for what purpose? Not to consider the bills, not to add to or subtract anything from them, but to be coerced into their passage just as they come from the hands of our superiors. I entertain, however, the highest respect for our privileged committees, as also a wonderful appreciation of their powers of absorption.

I have undertaken to make a plain statement of the matter in controversy; and I say it is an important question to every member of this House, because the rights of all are assailed to a more or less extent. If in the disposition of this question this House is not ready to mete out to the committee over which I have the honor to preside fair and equal justice, would it be wrong in me to hope that the active projectors of the wrong may be overtaken by a somewhat similar fate?

But let us look at these rules. The rule in reference to the Committee on Commerce declares that—

> It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters and things touching the commerce of the United States as shall be presented or shall or may come in question and be referred to them by the House.

That is the present rule regarding the powers of the Committee on Commerce. It defines and limits its powers and jurisdiction. I would not take away one atom of power from that committee. I would rather give it additional power and jurisdiction. I am willing to accord to it the right to report appropriations for the improvement of harbors, and I am willing that their bills embracing such appropriations shall come directly before the House for its action. I am not willing that my distinguished friend from Texas and his committee shall be made clerks for the Committee on Appropriations. I will join him in his effort to free himself and his committee from the vast and absorbing power of the Appropriations Committee. But while I am willing to do this, I ask my friend the chairman of the Committee on Commerce and his magnanimous associates on that committee to recollect that while they seek not to be overshadowed by the Appropriations Committee, they should not endeavor to overshadow the Committee on Railways and Canals and take from us the power and jurisdiction which belong to us under the rules of the House.

I am willing to accord to the Commerce Committee all of its rights, powers, privileges, and prerogatives. I am willing to aid in warding off any indignity offered or coercion attempted upon it, but I am unwilling that it should transcend its powers as defined and limited by Rule 79—I am unwilling that it should overleap its proper jurisdiction and take from the Railway Committee the rights which are plainly accorded to it under another rule of the House.

Mr. KENNA. Do I understand the gentleman as maintaining that under Rule 79 the Committee on Commerce have not jurisdiction of the river and harbor bill?

Mr. CABELL. I say it has jurisdiction of the improvement of harbors, but I say distinctly that it has not jurisdiction over the question of the improvement of the navigation of rivers, and never has rightfully had such jurisdiction since the year 1831, when the Committee on Roads and Canals was instituted as a standing committee of this House.

Mr. KENNA. Without desiring to interrupt the course of the gentleman's remarks, let me put another question in this connection. Apart from the fact that the House, on more than one occasion when the question of the jurisdiction of the Committee on Commerce under that rule has been under discussion, has decided that this jurisdiction does belong to it, I desire to ask the gentleman whether the language of the rule conferring upon the Committee on Commerce jurisdiction of matters relating to improvements of the commerce of the country is not at least as broad as the language of the Constitution itself which confers jurisdiction of the subject upon Congress? In other words, if the provision of the Constitution authorizes the Congress of the United States to make appropriations for the improvement of rivers running between States, does not the clause of the rule giving to the Committee on Commerce jurisdiction of all matters relating to commerce extend equally far, if not farther?

Mr. CABELL. I do not think it does, Mr. Chairman; but even if it did, I say to my friend from West Virginia that the powers and the duties accorded to it aforetime by the Rule 79 of this House were taken from the Committee on Commerce on the adoption of the Rule 94, which relates to the duties and business of the Committee on Railways and Canals. I admit and I grant, and it needed not my distinguished friend to remind me, that the practice of the House has been different from that which I now claim. I concede that it has been different, and that is one of the matters of which I complain. The perversions of a rule of the House are the questions to which I would call the attention of members, and ask them to regard the laws of the House and the rule already constituted and made for our government. I ask them to do justice in the premises, and see that the rights of each committee are respected, and that each is allowed to perform its proper functions in the mode prescribed by law.

Mr. DAVIS, of North Carolina. They have only the right to consider what is referred to them by the House and report their opinion.

Mr. CABELL. That is true. I read the law under Rule 79, but my friend has stated that the practice of the House has been frequently to refer these questions to the Committee on Commerce.

Mr. KENNA. The gentleman misunderstands the purport of my question. I made no allusion whatever to what the practice of the House has been; although it has been, as a matter of fact, as the gentleman states, at least of late years, to refer these matters to the Committee on Commerce. What I desire to direct his attention to is this, if I am not interrupting him too long: The language of the Constitution giving Congress power to regulate commerce has been construed by numberless bills to embrace the power to make appropriations for the improvement of rivers. Now, if the language of the Constitution giving power to Congress carries with it the power to improve these rivers, why is it and how is it, I wish to ask him, understanding him as I do to deny this jurisdiction of the Commerce

Committee—I ask why is it and how is it the language of the rule requiring matters relating to commerce does not confer this same jurisdiction on that committee? It seems to me it is a broader provision which defines the jurisdiction of this committee than the provision in the Constitution which confers jurisdiction over this subject to Congress. It was to that question and not to the practice I desired to call the attention of the gentleman.

Mr. CABELL. I think I understand the gentleman. As I said before, I think the language of the Constitution and the inference to be drawn from that clause of it relating to commerce are much broader and plainer than those contained in Rule 79, defining the duties of the Commerce Committee. That grand old instrument the Constitution has been so frequently tampered with of late years that a very latitudinous construction can now be placed upon most of its provisions. Such great latitude of construction does not befit a rule of this House. It is not, however, a question of constitutional construction that we have here, but a question of legislative intendment. I do not choose, therefore, to enter upon a constitutional argument of the subject at this time, because the facts involved in the case are sufficient for the purposes that I have in view.

Mr. MCKENZIE. Practice is more important than theory.

Mr. CABELL. Yes, as my friend suggests, practice is much more important here than any constitutional inference which we might draw from what has been said or what has been written. But, Mr. Chairman, I wish to call the attention of the House, having read this Rule 79, in reference to the duties of the Committee on Commerce, to Rule 94, relating to the business, the powers, and the prerogatives of the Committee on Railways and Canals. Here is the rule, and to that I would invite the careful attention of gentlemen. Just here, my friend has asked me why it is that in the contests that have taken place before the House the advantage has been held by the Committee on Commerce? Why, I will say to my friend, that in more than three to one of the contests which have taken place the victory has remained with the Committee on Railways and Canals. Sometimes, it is true, the Committee on Commerce prevailed. But why did it prevail? I mean it in no unkindness and as no reflection upon any one; but the fact of the business is, that when the Commerce Committee came along with its bill for rivers and harbors there was such a splendid presentation for a great many members of this House that they never thought of or cared about Rule 94, but rushed pell-mell up to the ballot-box, as it were, and registered their votes against the Committee on Railways and Canals and in favor of the Committee on Commerce. [Laughter.]

Mr. KENNA. I hope my friend was not himself guilty in that sense.

Mr. CABELL. No; "not by a large majority." [Laughter.] Not at all. Never did I engage in anything of the kind. The plain English of the whole matter is—and my friend will pardon me and bear with me when I make the assertion—that whenever the river and harbor bill was brought into this House a general state of demoralization ensued. We forgot all propriety, and most of us jumped at the conclusions to which the Committee on Commerce after much labor had arrived, and rushed the bills they presented in thundering haste through the House. A friend asks why is this? The reason is that the most of us have got a little something in that bill, and that, it may be, is the reason why it gets through so readily.

Mr. ACKLEN. I would like to ask the gentleman a question. Is that the reason why the gentleman voted for the bill?

Mr. CABELL. I never voted for one in my life, that I remember.

Mr. ACKLEN. Then, does the gentleman suppose that that is the reason why other gentlemen voted for the bill?

Mr. CABELL. Well, now, that is crowding an American citizen a little more than is agreeable. [Laughter.] I think I may be excused from answering that question, and under the Constitution, Mr. Chairman, I shall decline to answer it.

Mr. MCKENZIE. It is only a matter of opinion any way.

Mr. CABELL. Yes, as my friend states, it is only a matter of opinion, and I do not *know* anything on earth about it.

But, Mr. Chairman, I will now read to the House Rule 94, and I wish to call the particular attention of the committee to it, because it is still one of the rules of this House. This is one of the rules proposed to be changed by the report from the Committee on Rules, and I will say just here, that at the proper time I shall offer an amendment to the report of the committee restoring to this the Committee on Railways and Canals all of its rights and privileges, and when I do that I will give to the House my reasons for restoring these powers and prerogatives to that committee. But to the rule. Rule 94 reads as follows:

> It shall be the duty of the Committee on Railways and Canals to take into consideration all such petitions and matters or things relating to roads and canals and the improvement of the navigation of rivers as shall be presented or may come in question and be referred to them by the House, and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

Now, the rule in regard to the Committee on Commerce provides that the Commerce Committee shall take into consideration matters relating to commerce and give its *opinion* thereon. "Give its *opinion* thereon." The rule in relation to Railways and Canals instructs that committee—not by inference or implication, but in direct and positive language—to take into consideration matters relating to roads and canals and all matters relating to the navigation of rivers and to "report thereon." What can be plainer? What can be more distinct?

Now, at the time Congress enacted that rule it evidently designed to define as well as limit the rights and duties of this committee. Moreover, as this Rule 94, in reference to railways and canals, was adopted after Rule 79, by all fair inference and legal construction it repealed every portion of Rule 79 to which it was in any degree repugnant. That is a plain construction of a familiar principle of law, as I conceive. I would here repeat, Mr. Chairman, for I do not wish to be misunderstood upon this point, that I do not deny that during the existence of the Special Committee of Roads and Canals, as appointed at each session of Congress, and before that committee was made a standing committee of the House, the Commerce Committee may have considered questions relating to the improvement of the navigation of rivers in common or in connection with the Roads and Canals Committee, but after the latter was made a standing committee all subjects embraced in Rule 94 were referred to it. And Roads and Canals, afterward Railways and Canals, exercised its powers, privileges, and jurisdiction as prescribed by the rule Congress after Congress for many years, unchallenged by any other committee except in the instance mentioned, in perfect harmony with the other committees of the House, reporting its bills for the improvement of rivers just as the Commerce Committee reported for the improvement of harbors, the reports from both committees being afterward sent to the Ways and Means Committee, with the view of securing such appropriations as that committee might consider that the nature of the subjects might require and the ability of the country permit.

Now, Mr. Chairman, when you look to the rules of the House, rules which exist here to-day, it is for this House to say whether or not it will change them, alter or violate them so as to permit one committee to absorb those powers and privileges which belong to another. Many gentlemen complain of the Appropriations Committee, but I have no unkind word to say of that hardly-worked and well-abused committee. It is true that it forms a little congress in itself. It has, in my judgment, improperly absorbed much of the work belonging to other committees of the House. For the good that we can do many of us had as well be somewhere else as in this House until that committee makes report of its conclusions. But, at last, whose fault is it that these things are so? We complain of the action of the Appropriations Committee reaching out after and absorbing, as it does, many of the powers and duties which should be distributed among the various committees of the House; but you have a remedy and ought to apply it. A grand opportunity for the correction of wrong is afforded by the report from the Committee on Rules. And I say to the members now, when you come to the main work in hand let justice be executed and the law fairly dealt out as between the committees. Let the rules adopted be so plain that no committee can fail to understand its power or mistake its privileges. Just here I will say to my able friend [Mr. REAGAN] and his associates of the Commerce Committee—and I say it in all kindness—that when, as now, you come to ask for justice you should be required to do it yourselves. There is a familiar principle of the chancery court that when a man comes into court asking equity he should be required, if he is not disposed that way, to do equity himself.

The first question in my opinion that should be propounded to our friends upon the Committee on Commerce, when they indicate by amendment the relief they wish, is this: Before you are relieved from the absorption of your powers by any other committee, are you willing to turn those powers which do not belong to you, and which you have improperly "absorbed" for years, back to the committees from which you have taken them? And the Committee on Commerce should be required to give back to us our legitimate work. That is right; it is proper; it is just. Why should not this be done? Every gentleman from the Committee on Commerce who has addressed this House has told you of the importance of that committee. They have told you how hard and how laboriously they have worked, and I will bear them witness it is one of the hardest-worked of the committees in this house. It is an able committee; it is an honorable committee; it is a good committee, but I should like to know, in the name of all that is good, why a committee that is so hard-worked and dreadfully pressed should desire to take voluntarily upon its shoulders such a vast amount of labor that does not justly and rightfully belong to it? Why do you wish to go and shoulder a mountain of labor, when you have got more than you can stagger under already?

Sir, just a few months ago the cry came up from that splendid committee, the Commerce Committee, that they were overworked; burdened by labors coming upon them from one end of the land to the other, thrust upon them by members representing this country in all its different parts. They have brought here and piled into the Commerce Committee room heaps of work until one bill lay upon another like Ossa upon Pelion. The committee said "All that work is piled upon us; we do not know what to do; we cannot stagger along under the burden unless we get help." "Help!" cries the Committee on Commerce, "Help!" and the Committee on Rules was appealed to and it gave to the Committee on Commerce four or five other members, until it is now one of the largest committees of the House. To do what? To perform these Herculean labors. To do that mighty work which at its desire and solicitation is confided to it. Now I say to my friends on the Commerce Committee send us what belongs to the Committee on Railways and Canals and we will divide that vast business with you, and, instead of your tottering along under your load, we will let you come along here with your

harbor bill smiling, lively, and, as a friend beside me says, "happy and free." [Laughter.]

I can well understand how some of these gentlemen might say in reply: "Why do you want this when you could not get the bill through? We have our omnibus bill; we come here and hold it *in terrorem* over the House and say, you must pass it." We can simply reply: "Why cannot the Railways and Canals Committee, which is composed of men just as liberal, though not as able perhaps, as those on the Commerce Committee—why cannot we get up an omnibus bill too? [Laughter.] We can imitate your noble example. We may not have the sagacity to blaze out a path for ourselves; but we can follow the good example you have set, and put just as much money as you ever did in a bill for the improvement of the navigation of rivers." And when we come in with that omnibus bill we, too, in our turn, may be in the gay and happy and felicitous state in which we often find our friends of the Commerce Committee when they come in with their omnibus bill for the improvement of rivers and harbors. [Laughter.]

But I see, Mr. Chairman, I have but little time left, and I will take the chances hereafter under the five-minute rule of saying further what I desire. I have promised to some of my frieads that I would give them part of the time which I had, and I will close my argument here upon this question by asking the careful and the prayerful attention of this House to the subject of my remarks, [laughter,] if, indeed, they can give or will give such consideration to a measure of this kind.

Mr. McKENZIE. That is asking too much of us. [Laughter.]

Mr. CABELL. It is asking a good deal, I know; it is crowding the brethren more perhaps than I have any right to do, [laughter;] but at the same time I wish them to consider this matter carefully and at the proper time give us help, for I shall present an amendment which will give my committee no more than belongs to us under the present rules, and will ask for no more than we are entitled to have. I shall ask this house to restore that rule for the good of the country, for the interest of the House, for the facilitation of business, and for the doing of justice.

I now yield seven minutes to the gentleman from Pennsylvania, [Mr. FISHER.]

The CHAIRMAN. The gentleman from Virginia [Mr. CABELL] has but ten minutes remaining.

Mr. CABELL. Then I yield five minutes to the gentlemen from Pennsylvania, and the remaining five minutes to the gentleman from North Carolina, [Mr. SCALES.]

Mr. SCALES. If I am only to have five minutes I will not claim that time at present.

Mr. CABELL. Then I yield ten minutes to my friend from Pennsylvania.

Mr. FISHER. It is not my purpose to cast any reflection upon the Committee on Rules, who have brought in this new code for the consideration of the House. But, sir, as a member of the Committee on Railways and Canals, I desire to speak very briefly in regard to the new rule—clause 16 of Rule XI:

Subjects relating to railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

This rule is substituted for Rule 94, which I ask the Clerk to read.

The Clerk read as follows:

94. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

Mr. FISHER. Now, Mr. Chairman, in December, 1877, when this subject was under consideration in Congress, the distinguished gentleman from Texas [Mr. REAGAN] who is now the chairman of the Committee on Commerce, as he was then, made the point that matters pertaining to rivers may be referred to the Committee on Railways and Canals or may be referred to the Committee on Commerce. Now, sir, I hold that under Rule 94 it is mandatory that these matters should be referred to the Committee on Railways and Canals. The rule does not say "may be," but it says "shall be referred." The gentleman takes as authority for their jurisdiction, and quotes, section 8 of article I of the Constitution.

Section 8 of article I of the Constitution of the United States gives to Congress only the right to regulate commerce; it does not give that right to the Committee on Commerce. We of the Committee on Railways and Canals have just as much right to regulate commerce as has the Committee on Commerce. We are all equals here, all members of this body, and it is not for the Committee on Commerce to regulate commerce, but the Constitution says that Congress shall regulate commerce.

Now, I hold that if we have had these matters referred to the Committee on Commerce for twenty-five or thirty years, that does not necessarily give the jurisdiction of them to that committee. These rules are re-enacted by every Congress. The Forty-sixth Congress, when it convened in its first session, re-enacted these rules. I care not what has been the practice of the House in regard to the matter. If the Committee on Railways and Canals has the right to consider this subject, as I say it has under this rule, then I do not think it just or proper that the authority should be usurped by the Committee on Commerce.

When this revision of the rules first came up for consideration the Committee on Commerce was the first to cry out against it; and why? Because that committee objected to the Committee on Appropriations having supervisory action over its work. Yet that committee has not said that it was unwilling to appropriate to itself the work properly belonging to the Committee on Railways and Canals.

I hold that since 1795, when this Committee on Commerce was first called into being, the internal commerce of this country has increased a thousand per cent.; yes, more than a thousand per cent. The duty of the Committee on Commerce is not to appropriate $14.50 to remove some obstruction from Stump Creek. It is not the duty of the Committee on Commerce to appropriate a hundred dollars to remove a sand-bar from Squantum Run. I desire that the committee shall rise up to the dignity of its position. Its duty is to digest measures for millions and millions of internal and external commerce. Let those gentlemen consider the question of interstate commerce. Let them report measures for fostering our foreign commerce and building up the country, as they should do.

In our State constitution of Pennsylvania there is a provision which I desire to have read by the Clerk. It is section 3, article 3, of that constitution.

The Clerk read as follows:

No bills, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Mr. FISHER. Now, sir, this appropriation bill which comes from the Committee on Commerce is an omnibus bill. The objections to measures of similar character made it necessary for us in the State of Pennsylvania to put in our new constitution the section which has just been read by the Clerk. And I am very glad to know that my distinguished colleague from Philadelphia [Mr. KELLEY] has introduced into this House a proposed constitutional amendment similar to that, and one which will obviate the difficulties which we have encountered in passing such appropriation bills, into which matters and items of appropriation are put for the purpose of obtaining votes for the support of the general bill and not for the good of any of our great commercial centers. Our great cities of Philadelphia, New York, Boston, Charleston, and other sea-coast cities, as well as our large inland cities, will always receive necessary support and proper appropriations.

[Here the hammer fell.]

Mr. OSCAR TURNER. Mr. Chairman, after according to the Committee on Rules great credit for the wisdom and labor they have bestowed upon our system of rules I shall advance a few remarks by way of giving notice of two amendments which I desire to offer. In regard to the discussion which has occupied so much of the time of this committee in the contest between the Committee on Appropriations and the Committee on Commerce I shall have nothing to say.

There are two distinct propositions which I desire to offer, and which have not been commented upon by any one. Inasmuch as they are new, I desire to call the attention of the committee to them at this time in order that members may have an opportunity to reflect upon them before we reach the five-minute debate.

In the history of every legislative body that I have ever read there is to be found some remedy for one of the evils which I now desire to point out. A member upon this floor may offer a public bill, and although a large majority of this House may be in favor of that bill, yet if the committee to which that bill is referred is opposed to it, there are no means offorded by our rules by which that member can ever bring that measure to a vote before this House.

I have talked with old parliamentarians, with men as thoroughly versed in parliamentary rules perhaps as any gentlemen upon this floor. They all agree upon one point, that if a bill is referred to a committee which is opposed to it, and that committee does not see proper to report that bill back to the House, they can hold it up, and the only remedy is for the member to offer a resolution of this House instructing that committee to report back that bill. Now, at first blush that would seem to be a proper remedy. But it amounts to nothing at all, because you can never offer such a resolution or make such a motion except upon a Monday after all the States and Territories have been called through for the introduction of bills and joint resolutions, before the expiration of the hour, and when during the remainder of that hour a second call is made for individual resolutions. Such a call as that has not occurred more than once in ten years. I have been assured by members who have been upon this floor for the last twelve or fifteen years that they never knew an instance of such a call to occur except once, and then when a motion was made it was lost by the interposition of a motion to adjourn, because it had no place on the Calendar and no place provided for it under the rules of this House. I say this thing is all wrong, and that there ought to be some remedy for it in the rules of this House.

Surely when a man comes here under a pledge to his constituents that he will advocate a certain public measure which he believes for their good, and when the matter may have been an issue in the contest between him and his opponents, he ought to have some opportunity to secure a vote of the members of this House upon that question. It ought not to be smothered by a committee, and the member presenting the measure ought not to be prevented from obtaining an

expression of the members of this House upon the proposition. It is his right as a Representative to have a vote of the House upon it. But under these new rules and under the old rules no opportunity is afforded him of asserting this high prerogative; a personal right it ought to be, and a privileged one.

I am not wedded to any particular plan in regard to this matter, because I confess that I am very inexperienced in regard to parliamentary law. It has seemed to me, as has been said by many members here, that the rules of this House have been constructed to prevent the progress of business and to keep it in the hands of a few individuals, rather than to promote its transaction. This has seemed so to me ever since I have had the honor of a seat on this floor. But, sir, I care nothing about the particular plan I have pointed out, provided some experienced parliamentarian will offer a better one. The rules as they now stand afford no remedy. It seems that the committee making this report did not have their attention directed to this point at all, or if they did they desired to afford no remedy for this evil. Hence, with the advice of some experienced parliamentarians, I have drawn up an amendment which I believe will afford a remedy and give to every member an opportunity of having an expression of the views of this House upon any public bill. I send it to the Clerk that it may be read for information.

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, after the call of the States and Territories for bills and joint resolutions, to offer a resolution or move to place said bill, resolution, or proposition on the proper calendar, which resolution shall then be considered, and, if decided in the affirmative, the bill, resolution, or proposition shall be placed on the Calendar, and the committee discharged from further consideration of the same.

Mr. OSCAR TURNER. At the proper time, Mr. Chairman, I shall offer this amendment, the effect of which will be to give to any member introducing a proposition, after the committee has had possession of it for thirty days and failed to make any report upon it, an opportunity of having the committee discharged and the measure placed upon the Calendar, thereby enabling it to be taken up and the merits of the question voted upon by the House.

It may be urged as an objection to this proposition that it might take up too much of the time of the House. Why, sir, this proposition will not give the measure in question any precedence. It is merely provided that after it has been in the hands of the committee for thirty days the member on any Monday after the call of States may offer a resolution (and it will be for the House to say whether it will adopt it or not) providing that the measure shall be placed upon the Calendar, and afterward, if it is the will of the House, it can be taken up and considered. If the House should think there are more important measures demanding attention, it can pass by the proposition or bill on the Calendar—an every-day practice.

This proposed amendment simply puts it in the power of members to have an expression of the sentiment of this House. If we do not provide a rule of this kind, a bill of a public character may be stifled in a committee though *an overwhelming majority may be in favor of it.* Under the rules as now existing, or the new rules as now reported, there are no means which enable us to take a bill, proposition, or resolution away from a committee if they are opposed to it and will not report it. I say that a remedy ought to be afforded. I am not wedded to this particular plan. It is the best I can conceive of, but any amendment or substitute that may be offered, and is suitable to reach this evil, I will very cheerfully accept.

Mr. Chairman, there is one other amendment which I desire to offer about which there may be some contrariety of opinion. In regard to the other I think there will be none. Clause 3 of Rule XXIII, as embraced in this revision, provides that—

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

That is very good so far as it goes; but I would like to add, "and upon all such bills, motions, or propositions, the yeas and nays shall be taken in the House upon their final passage, and they must be voted for by a majority of all the members elected, and the vote entered on the Journal."

I am aware of the constitutional provisions to which I see the honorable chairman is referring; but I take it (and I have investigated this question) that my proposition does not interfere with the constitutional question. The Constitution provides that upon the demand of one-fifth of the members present the yeas and nays shall be taken upon any proposition. In view of that provision, we cannot of course adopt any rule which would require more than one-fifth for the taking of the yeas and nays. But we have the right to provide that the yeas and nays shall be taken upon the call of two members; and we have the right to make it the imperative duty of the Speaker to order the yeas and nays upon any particular class of legislation. That would not be in violation of the Constitution.

I will submit one further consideration on the constitutional view. These rules must now be adopted by a majority of the House, which, of course, is more than one-fifth; and if we adopt a fixed rule it will govern us in regard to the yeas and nays and will be entirely in accordance with the Constitution and will draw the attention of members to these important bills affecting the rights of the tax-payers and force them to vote upon the record. It is the right of the people to know how their representatives have voted.

Mr. Chairman, I know very well it may be said that the calling of the yeas and nays would not influence any member upon this floor, that we all have a sufficient degree of patriotism in this House to induce us to act for the public good without the responsibility of a yea-and-nay vote, but every day's experience teaches us exactly the reverse. How often upon a mere motion of adjournment have you seen in this House a rising vote carry the question, but when the yeas and nays were demanded, when the constituency of the honorable gentlemen were brought before them face to face, you found the motion for adjournment fail by a signal majority? It is a thing of every-day occurrence; and I am here to discuss that question on its true merits, and present the facts as they really are in practice in this House.

How is it in regard to these appropriations? Why, sir, the country is groaning under burdens of taxation. You remember as well, Mr. Chairman, as I do, and as well as every gentleman on this floor, especially those on this side of the Chamber, that we made the last presidential canvass upon the doctrine of retrenchment and reform. It was the battle-cry of every man in the canvass. Then, I say, it is our duty as the representatives of the people to do all we can to reduce the expenditures of this Government and bring about retrenchment and reform. I say the adoption of this amendment will do more toward it than any rule we could adopt; it will save millions of dollars every session of Congress. That all these important bills shall be referred to the Committee of the Whole is all very well in its place, to let them be considered by the Committee of the Whole, but when they come into the House on their final passage let the yeas and nays be called, and let the people know who has voted for them and who has voted against them; and I require a majority to vote instead of only a few members, as is frequently the case, upon bills appropriating millions of dollars collected from the masses by taxation—frequently unjust and discriminating against the agricultural class—in favor of monopolist and capital.

Why, sir, by turning to the constitutions of the different States in this Union it will be seen that the experiment has been actually tried. I will refer first to the constitution of the State of Virginia, the mother of States and of statesmen. She relied upon the patriotism, upon the frugality and honesty of her representatives, and required no yeas and nays until 1850. Then, sir, when the new constitution was adopted in that State—and I call the attention of the members of that State to the point, and I hope to have their aid—then it was they placed in their constitution the provision which I will send to the Clerk to be read.

The Clerk read as follows:

SEC. 27. On the passage of every act which imposes, continues, or revives a tax, or creates a duty or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the State, the vote shall be determined by yeas and nays, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of the members elected to each house shall be necessary to give it the force of a law.

Mr. OSCAR TURNER. Now, the committee will see that, after a long experience, the State of Virginia was forced to incorporate that into her constitution. It has proved of vast benefit in controlling the expenditures of that State and in securing a proper system of economy. Not only the State of Virginia has adopted this provision in her constitution, but the Empire State of New York has also adopted a similar provision. In New York they tried the patriotism, they tried the frugality and economy of the members until they adopted their new constitution, when, in 1873, they were forced and compelled to incorporate that same amendment into their constitution, and it is to day the fundamental law of that State. I ask the Clerk to read it.

The Clerk read as follows:

On the passage, in either house of the Legislature, of any act which imposes, continues, or revives a tax, or creates a debt or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals; and three-fifths of the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

Mr. OSCAR TURNER. The committee will observe that the convention which framed that amendment was not willing to leave it simply to the question of yeas and nays, requiring a majority to vote for it, but required that three-fifths of the members of both Houses should be in their seats and constitute a quorum for the consideration of an appropriation bill. That is the safeguard which was thrown around the rights of the people, to protect them against taxation, in the great Empire State; and I hope that the members here from that State will aid in giving to the whole people of the United States a little of that same wholesome protection provided by that provision of their State constitution.

But, sir, we know that in this House the calling of the yeas and nays on an appropriation bill, instead of being the general rule, has

been for years past the exception to the rule. They are hardly ever called, and the Journals show it. Appropriation bills for thirty or forty millions of money will pass through the House without the consideration or attention of many of the members, only a few voting, rarely a majority. There is no call for the yeas and nays, and the attention of the members is not drawn to the fact. Now I ask the Clerk to read from the constitution of the State of Wisconsin, on page 2038.

The Clerk read as follows:

SEC. 8. On the passage in either house of the Legislature of any law which imposes, continues, or renews a tax, or creates a debt or charge, or makes, continues, or renews an appropriation of public or trust money, or releases, discharges, or commutes a claim on demand of the State, the question shall be taken by yeas and nays, which shall be duly entered on the journal, and three-fifths of all the members elected to such house shall in all such cases be required to constitute a quorum therein.

Mr. OSCAR TURNER. The committee will see that it is almost identically the same provision that is to be found in the constitution of the State of New York, not only requiring the vote of a majority by yeas and nays, and then that they shall be entered upon the journal, but requiring the presence of three-fifths of the members to constitute a quorum for the consideration of appropriation bills or when disposing of the public money. I will now ask the Clerk to read from the constitution of Pennsylvania, on page 1573.

The Clerk read as follows:

SEC. 4. Every bill shall be read at length on three different days in each house. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Mr. OSCAR TURNER. Mr. Chairman, it will be seen from this section of the law how far that great State has gone upon this question. That is under a recent amendment to the constitution. Experience had taught them, as it has taught us here, that they must resort to some expedient of this sort to fix the responsibility and to invite the attention of members to these appropriation bills. I will now ask the Clerk to read from the constitution of the State of Maryland, page 845.

The Clerk read as follows:

SEC. 19. No bill shall become a law unless it be passed in each house by a majority of the whole number of members elected, and on its final passage the ayes and noes be recorded.

Mr. OSCAR TURNER. The committee will see that the State of Maryland has gone a step beyond the others. In the case of New York, in the case of Virginia, and in the case of Wisconsin, it has been confined simply to appropriation bills, but in the State of Maryland this requirement applies to every bill. None can become the law unless the yeas and nays are called, a majority voting in favor of the bill, and the names recorded on the journal of the house. I think it is right and I should be willing to go that far.

It might be urged as an objection that we have such a vast amount of legislation that it would consume too much time to call the yeas and nays upon all. But surely we can take the time, when voting away the money of the people and voting to impose a tax upon them, to ask the yeas and nays on these appropriation bills and force a majority to vote or let the bills fail, and let the people see how we vote.

I will ask the Clerk now to read from the constitution of my own State, the State of Kentucky.

The Clerk read as follows:

SEC. 40. The General Assembly shall have no power to pass any act or resolution for the appropriation of any money, or the creation of any debt exceeding the sum of $100, at any one time, unless the same, on its final passage, shall be voted for by a majority of all the members then elected to each branch of the General Assembly, and the yeas and nays thereon entered on the journal.

Mr. OSCAR TURNER. Now, gentlemen of the committee will observe that there is a difference here; still, the power is given to the Legislature to fix the responsibility. That constitution was adopted in 1850. There the Legislature was allowed without the yeas and nays to incur a debt not over $100.

It may be changed, however, and I will accept an amendment from any gentleman who may see proper to offer it, if the amount is not too large. But I want to test the sense of the House on the question that we fix a minimum sum, and beyond that the yeas and nays shall be demanded and recorded. In the constitution of Kentucky it is fixed at $100. My own inclinations would be to go beyond that and follow the example of Pennsylvania, Maryland, Virginia, and all those other States that require yeas and nays on all bills of appropriations.

I do not know, Mr. Chairman, how many States have been taught by sad experience that it was wise to adopt this provision, to fix this responsibility upon their representatives, because I have not had time to examine the constitution of every State in this Union. I have had read these provisions of the constitutions indicated simply because they fell under my observation, and I desire to invite the attention of this House to-day to them to show I am not erratic in what I propose—that it was no erratic idea of mine, but that on the contrary the difficulty is one that has been pointed out, and the remedy is one that has been adopted and found to act wisely and judiciously.

Well, sir, if it is right in those States to incorporate that provision in their constitutions, if they have been forced to it by many years of experience, I will ask the Representatives of the people upon this floor why it is not right we should have the same safeguards here? Why is it we should have the unlimited power of voting away millions of the money of the people, and yet on the public records of the country there should be nothing to show what gentlemen participated in it and who discharged their duty to the satisfaction of their constituents? If this provision is right in a State, if it is found to be a wise provision, then why would it not be a wise provision here? Why would it not exercise a wholesome influence, and why would it not be beneficial to guard the rights of the whole people from congressional burdens of taxation? They are as onerous as if imposed by a State Legislature, and more so, because they are counted by millions instead of hundreds of dollars.

In my opinion, Mr. Chairman, this would be a step in the right direction; and when gentlemen say they are in favor of retrenchment and reform, I say let them come up and vote for this amendment, and show to the country that they are in earnest. Let us have the yeas and nays upon these appropriation bills, and then you will find that every member of this House will take a deep interest in these measures when they come up, simply because he will have to face the music when he goes home and stands before his constituents. Hence it is I propose to offer that amendment. I know that some gentlemen may argue the matter and may urge that perhaps the constitutional objection is in the way. But, sir, I have conversed with men learned in the Constitution and laws of this country, and upon that question I believe there is among them no difference of opinion, but they agree that it does not militate or conflict in any way with the Constitution if we make it a general rule that the yeas and nays shall be called in every case upon appropriation bills. Many of the States give the power to two members to call for the yeas and nays. I do not know but that may be a very good provision. But I simply want the constitutional provision of old Virginia. Experience drove them to the adoption of that clause in their constitution that the yeas and nays should be called upon all appropriation bills, and I hope I will have the aid of my friends from that State.

Mr. LAPHAM. What party is proposing in Virginia to scale their debt to-day?

Mr. OSCAR TURNER. I did not rise for the purpose of entering into any partisan debate upon this question. I rose here to advocate amendments which I thought were for the public good and the interest of the people of all parties, and for which I expected the support of gentlemen on the other side of this House as well as upon this side, and not to indulge in criminations or recriminations of a partisan character.

Mr. HOUK. Is it a partisan measure to scale the debt?

Mr. OSCAR TURNER. I hear it said by gentlemen around me that it is republicans who desire to scale the debt. How that is I do not know and do not care.

Mr. HOUK. I ask the question whether it is a partisan measure.

Mr. OSCAR TURNER. Well, I am informed it is the republicans who are urging it. I do not know whether that is true or not. [Laughter.]

Mr. Chairman, when gentlemen ask me why, instead of offering this amendment to the rules, I do not offer a joint resolution proposing an amendment to the Constitution, I desire to say this: the fact is, I have drawn an amendment to the Constitution of the United States, which I hold in my hand, and which I shall offer at the proper time to the House, on this subject, embodying the provisions of the Virginia constitution. But, sir, even if it should be the sense of the House that this amendment, which I shall offer in the House as soon as the opportunity is presented, should be made to the Constitution of the United States, still in my judgment this wise provision should be incorporated in those rules. The amendment to the Constitution of the United States would be a long time in being matured. Even if adopted by the House and by the Senate it would be a long time before it would be acted upon by three-fourths of the States. In the mean time we would be going on with appropriations.

But if a provision be incorporated as an amendment into these rules that have been reported by this able committee, it would give vitality to the principle at once, throw around the people the necessary protection, fix the responsibility upon members who vote away the public money here, and enable their constituents to know who it was that voted away their money. It would have the effect of drawing our attention to these bills. In every respect it would be a wholesome provision, and I can see no reason why we should not adopt it as an amendment to the rules.

At the proper time I will offer the amendment to the Constitution, but in the meanwhile I do hope that I may have for this amendment to the rules the aid of the members from the different States which have adopted this provision. I have read here a list of States whose Representatives alone upon this floor could almost carry this amendment. The great State of Pennsylvania has incorporated it into her constitution. The States of Virginia, and of Maryland, Minnesota, Wisconsin, Kentucky, and Tennessee have done so, and doubtless many others. Let the Representatives of these States come to the rescue. Let them incorporate the same principle into these rules

which wisdom has taught them to incorporate into the constitutions of their own States, and let us have the benefit of it here. Let us not wait for an amendment to the Constitution of the United States, but let us give vitality to the principle while we can by the amendment to the rules that have been reported to this House.

Mr. Chairman, I did not desire to trespass upon the time of the committee, but as these two propositions were entirely novel in their character, and as no comment has been offered upon either proposition or amendment suggested by myself, and which I give notice I will offer, I have deemed it my duty to give notice of these two amendments and to invite the attention of the members of this body to those two questions, and especially to the last, hoping before this debate closes to have the voice upon them of other gentlemen who are far more experienced than myself. Having done this briefly, I now express my obligation to the Chairman and committee for the attention they have given to me in offering these crude and off-hand remarks. I believe I have fifteen minutes of my time remaining.

The CHAIRMAN. The gentleman has twenty minutes of his hour remaining.

Mr. OSCAR TURNER. I do not desire to trespass further on the indulgence of the committee, as it is nearly five o'clock. If any gentleman desires what remains of my time I will give it to him.

Mr. SHALLENBERGER obtained the floor.

Mr. BLACKBURN. I would inquire of the gentleman from Pennsylvania [Mr. SHALLENBERGER] if he desires to take the floor in his own right, or to occupy the remainder of the time of my colleague from Kentucky, [Mr. OSCAR TURNER?]

Mr. SHALLENBERGER. I prefer to take it in my own right.

Mr. BLACKBURN. Then will the gentleman yield for a motion that the committee now rise?

Mr. SHALLENBERGER. I will do so, retaining my right to the floor.

The CHAIRMAN. The gentleman will be entitled to the floor when the committee again resumes consideration of this subject.

Mr. BLACKBURN. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules and had come to no resolution thereon.

JANUARY 15, 1880.

REVISION OF THE RULES.

Mr. FERNANDO WOOD. I now demand the regular order of business.

Mr. BLACKBURN. I move the House resolve itself into Committee of the Whole on the state of the Union, to resume the consideration of the report of the Committee on Rules.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The committee resumes the consideration of the revision of the rules reported from the Committee on Rules, and the gentleman from Pennsylvania [Mr. SHALLENBERGER] is entitled to the floor.

Mr. SHALLENBERGER. Mr. Chairman, I am heartily in favor of the revision of the rules reported from the Committee on Rules, and I desire to echo the strongest language I have heard on this floor in indorsement of the labors of the committee. In clearness and conciseness of statement and arrangement I think they must commend themselves to the intelligent judgment of every member upon this floor, and I should regret extremely if any words of mine to-day should have a tendency in the slightest degree to prejudice the rules as a whole.

I shall not discuss them in general. I shall confine myself simply to Rule XI as reported by the Committee on Rules. I did not expect we should have the opportunity of general debate. It was my impression that we should be confined in the discussion to a particular rule as it came up, and that nothing whatever could be said on Rule XI until we came to it in regular order. Believing, as I did, that I had amendments to that rule which might commend themselves to the judgment of the House after due consideration, and not expecting that I should be able to get them before the members of the House in regular order until the rule had been reached, I gave to the printer a few days before this discussion commenced, on the 7th of this month, an indication of my purpose and the scope of the proposed amendments. The result shows that Rule XI has been, in the minds of many members as well as in my own, the objective point in the discussion.

I now ask the Clerk to read Rule XI as reported by the committee, to include the last clause which I propose to amend, and then read the amendments which I propose, so that they may go into the RECORD and be fairly considered.

The Clerk read as follows:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members: to the Committee on Elections;
2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;
3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations;
4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;
5. To banking and currency: to the Committee on Banking and Currency;
6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;
7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations;]
8. To agriculture: to the Committee on Agriculture;
9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs;
10. To the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs;
11. To the naval establishment, other than the appropriations for its support: to the Committee on Naval Affairs;
12. To the Post-Office and post-roads, other than appropriations for their support: to the Committee on the Post-Office and Post-Roads;
13. To the lands of the United States: to the Committee on Public Lands;
14. To the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs;
15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;
16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals;
17. To the manufacturing industries: to the Committee on Manufactures;
18. To the mining intersts: to the Committee on Mines and Mining;
19. To the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds;
20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;
21. to the Committee on Levees and Improvements of the Mississippi River;
22. To education and labor: to the Committee on Education and Labor;
23. To the militia of the several States: to the Committee on the Militia;
24. To patents: to the Committee on Patents;
25. To the pensions of the civil war: to the Committee on Invalid Pensions;
26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;
27. To private and domestic claims and demands whatsoever, other than war-claims, against the United States: to the Committee on Claims;
28. To claims arising from any war in which the Unlted States has been engaged: to the Committee on War Claims;
29. To private claims to lands: to the Committee on Private Land Claims;
30. To the District of Columbia: to the Committee on the District of Columbia.

Mr. SHALLENBERGER. I now ask the Clerk to read the amendments which I propose.

The Clerk read as follows:

RULE XI.

Clause 3.—Amend clause 3 by adding the words "And the several appropriation bills, when reported to the House by the committees in which they originate, shall be referred to the Committee on Appropriations to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it and upon its passage."

Clause 7.—Amend clause 7 so as to read: "To commerce: to the Committee on Commerce; and this committee shall receive the estimates and report the annual appropriation bill for the improvement of rivers and harbors, for reference to the Committee on Appropriations."

Clause 9.—Amend clause 9 by adding the words "And this committee shall report the consular and diplomatic appropriation bill, for reference to the Committee on Appropriations."

Clause 10.—Amend clause 10 by striking out the words "other than appropriations for its support," and adding to the clause the words "and this committee shall report the annual appropriation bills for the support of the Army and the Military Academy at West Point, for reference to the Committee on Appropriations."

Clause 11.—Amend clause 11 by striking out the words "other than appropriations for its support," and adding to the clause the words "and this committee shall report the annual appropriation bill for the support of the Navy, for reference to the Committee on Appropriations."

Clause 12.—Amend clause 12 by striking out the words "other than appropriations for its support," and adding the words "and this committee shall report the annual appropriation bills for the service of the Post-Office Department, and for mail transportation by ocean steamers, for reference to the Committee on Appropriations."

Clause 14.—Amend clause 14 by adding the words "and this committee shall report the annual appropriations for expenses of the Indian Department, and for carrying out the treaties and obligations of the Government with the Indian tribes, for reference to the Committee on Appropriations."

Clause 19.—Amend clause 19 by striking out the words "other than appropriations therefor," and adding the words "and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations."

Clause 25.—Amend clause 25 by adding the words "and this committee shall report the annual appropriation bill for the payment of invalid and other pensions, for reference to the Committee on Appropriations."

Clause 30.—Amend clause 30 by adding the words "and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations."

Mr. SHALLENBERGER. It will be observed by these amendments Mr. Chairman, that I propose to leave with the Committtee an Appropriations all independent subjects relating to appropriations. I propose to leave with them and under their entire control as heretofore the legislative, executive, and judicial bill, the sundry civil bill, the fortifications bill, and all deficiency bills.

In addition to the work that will be required of the Appropriations Committee in originating and reporting these several bills, I propose that they shall take the bills as reported by the several committees and referred to them by the House, not for the purpose of tearing them to pieces as has been suggested would be the fate of the river and harbor bill, by several gentlemen on this floor, notably by the honorable gentleman from Texas, the gentleman from Minnesota, and the gentleman from West Virginia. I do not ask that the Appropri-

ations Committee shall take the bill of the Committee on Commerce, most carefully prepared after months of exhaustive investigation and labor, and wholly destroy the integrity of their work and report a new bill and have control of it on the floor of the House.

It will be observed, Mr. Chairman, that my proposition sends to the Committee on Appropriations a perfected bill for the rivers and harbors. It directs the Committee on Appropriations to report back that bill with such recommendations as the general expenditures of the Government in their judgment require them to make, and that thereupon the committee in which that bill originated shall have charge of it upon its passage.

Now, Mr. Chairman, I protest against the assumption that no bill should be sent to any committee, any second committee of this House, unless that bill can receive at the hands of that second committee as full and as exhaustive an examination as was bestowed upon it by the committee originally having charge of it. Such objection literally enforced would deny to the Committee of the Whole supervision of a bill. It is not for the purpose of receiving a critical examination and consideration as to its details, but rather as to its general character and scope and aggregate amount, together with the probable claims of other appropriation bills yet to be reported, that I would have the Appropriation Committee advise the House whether that bill, as a whole, can safely be passed; whether the general expenditures of the Government will justify it; whether the revenues of the next fiscal year will permit it.

This was the plan substantially followed in the Fortieth Congress, as appears from the report accompanying the present revision, from which I quote:

> In the Fortieth Congress, as appears from the statement of Mr. DAWES, on the 8th of February, 1873, (third session, Forty-second Congress,) the Committee on Appropriations, being busily engaged with other matters, permitted the Committee on Commerce to originate and report the river and harbor appropriation bill, and, by an arrangement made in a conference between Mr. DAWES, representing the Committee on Appropriations, and the Committe on Commerce, the latter committee was permitted to prepare and report the said bill for reference to the Committee on Appropriations, which committee agreed, after consideration, to report it back to the House with such recommendations as they believed the general expenditures of the country required them to make, and that course has several times been pursued since that agreement, although it is true that during the preceding two Congresses (Forty-fourth and Forty-fifth) the Committee on Commerce has exclusively had control and charge of the river and harbor bill.

Now, it will be observed that the Committee on Rules do not object to that action. They have tacitly approved it.

Again, Mr. Chairman, my distinguished friend from Ohio, [Mr. GARFIELD,] one of the members of this Committee on Rules, in a speech made in this House on January 8, says:

> Let me state the practice which prevailed during the four years I was chairman of the Committee on Appropriations. That committee went over the field, and looking at all the estimates as they came from the Departments, making all the examinations we could make, we said: "There should be appropriated for the coming year, say, $290,000,000; we think we can cut the expenditures of the Government down to that figure; but to do this the Army must have so much, the Navy so much, and rivers and harbors so much." Thereupon the Committee on Appropriations informed the Committee on Commerce that the Government could afford to pay, say, $5,000,000 for rivers and harbors; and the Committee on Commerce, having that great and complex subject in hand, were asked to tell how the money ought to be distributed. The Committee on Commerce drafted the bill distributing the amount. That bill was referred to the Committee on Appropriations, and if it did not exceed the total amount which the Committee on Appropriations believed could be spared, the Committee on Appropriations reported it back and requested the Committee on Commerce to take charge of it and carry it through the House. This is the way the work was done during the four years of my chairmanship of the Committee on Appropriations.

It will thus be seen that my amendments are not in conflict with the former practice of this House. They are not even in antagonism to the report of this Committee on Rules as relating to one committee. They propose to treat several important committees, with slight modification, just as the Committee on Rules advise in relation to the Committee on Commerce, and as the distinguished gentleman from Ohio fully indorsed when chairman of the Committee on Appropriations.

Now I ask, if the river and harbor bill was considerately treated then, why can it not be considerately treated now? And why cannot several of the general appropriation bills be considerately treated in the same way?

I do not propose, Mr. Chairman, to go quite to the extent that my distinguished friend from Ohio did. I do not think it needful that we should instruct the Committee on Appropriations that they should divide up the expenditures of the Government and insist that each of these several committees shall restrict itself to that sum; because if we admit that, then we presume that the Committee on Appropriations know in advance of any investigation just what each Department of the Government may need for the next fiscal year. I think they do not. I think the growing necessities of this country may present themselves so forcibly to my distinguished friend from Texas [Mr. REAGAN] that he might report a very discreet bill of a much larger amount then he did last year. And I think again my distinguished friend the chairman of the Committee on Military Affairs may see in the legislation of last year, or in the legislation recently enacted, something which increases the expenses of the Army.

Now, the Committee on Appropriations cannot possibly be expected to have special knowledge of those facts, hence they should not arbitrarily limit the expenditures in that way. But I would have this, Mr. Chairman, I would have it understood that these several committees, charged with the same responsibility before the House and the country that the Committee on Appropriations has been and still will be, to examine all the estimates of expenditures as well as probable revenues of the Government, should compare notes with the Committee of Ways and Means, should compare notes with the Committee on Appropriations, should ask for all the information they can get from the Departments of this Government, and by any and every means in their power as intelligent legislators ascertan about what share of the public expenditure they might claim. Then I apprehend, Mr. Chairman, that when this bill should have been reported back to the House by the Committee on Appropriations it would be found that there had been close consultation between the Appropriations Committee and the Committee on Commerce and the Army Committee and the Naval Committee and the Committee on Public Buildings and Grounds, on which I have the honor to serve, and other committees.

Mr. Chairman, I think that the effect of these amendments which I propose will be, first, to expedite the appropriation bills by reason of simultaneous action on the part of committees.

Secondly, I imagine in the preparation of these bills we will enlist members of the House who are intimately acquainted with every law under which the appropriation is made.

Third, the effect will be to insure a more thorough and critical examination of the estimates sent by the different Departments. How many members on this floor, Mr. Chairman, know what the estimates of the Departments are which were made to this House at the present session of Congress? How can the Committee on Appropriations assure the country that they honestly believe just such a sum, and no more, is needed to execute in its multiform details a law which the Military Committee spent months in maturing; say, for instance, an increase of the Army, together with a readjustment of the pay of soldiers and of officers of the Army? They must depend absolutely upon the representations and calculations of the bureau officers. These officers are doubtless both honest and intelligent; but then they are not held responsible to the country, as are the members of this House, for an intelligent and economic disbursement of the public money.

Here again, Mr. Chairman, I am sustained both in logic and in illustration by a former distinguished member of this House, a member of the Military Committee—General Schenck—who when this Appropriations Committee was formed March 2, 1865, made some brief but very effective remarks precisely in the line I am now following, and illustrated them by reference to some legislation which the Military Committee had been perfecting for months, looking to the increase of the pay of officers and soldiers of the Army. They had spent days and weeks of anxious toil upon it. It passed the House and went to the Senate. The Senate had a bill before it of somewhat similar import. The Senate examined the House bill and proposed not to take it up, but they ingrafted upon the appropriation bill in the Senate their own bill, and it came to the House. It went to a committee of conference, and passed the House, and all the labor of months, spent so industriously and so intelligently by this Military Committee of the House, I apprehend, was wasted.

Now, Mr. Chairman, we are told that the Committee on Commerce differs very widely from other committees of the House in this: that it is a law unto itself, that it makes report for appropriations not specially authorized by law, and that all other appropriations are strictly and clearly limited and defined by law. Hence, what might be proper for the river and harbor appropriation bill would be wholly unnecessary for other appropriation bills. Now, let us examine this. I admit it to be true that the river and harbor appropriation bill does both legislate and appropriate. In that respect that committee differs widely from the Committee on Public Buildings and Grounds, which is now confined, in the discretion of the House, strictly to legislation. But I fail to see why the Committee on Public Buildings and Grounds should not have the same consideration in the House, under the rules, as the Committee on Commerce; why it may not legislate and appropriate independently of other committees, and why it should not, by a similar method, report and pass a general bill. If it is proper for one committee it is proper for both. Under the conditions I suggest it is proper for all.

I want first to examine the question whether it be true, as asserted on this floor by the gentleman from Ohio [Mr. GARFIELD] and reiterated by so many others, that other appropriation bills simply estimate for that which is strictly and clearly defined by law. I say they do not. And in this connection I desire to call attention to section 169 of the Revised Statutes, which reads as follows:

> Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, does that strictly limit the Committee on Appropriations either as to the number of employés or their salaries? I take it it does not. That committee has the unquestioned right to come to this House and propose any additional number of clerks which they choose, at any compensation they may see proper. And they have done it; done it discreetly, done it wisely, perhaps.

Now, will you undertake to say, or will my distinguished friend, the chairman of the Committee on Appropriations, [Mr. ATKINS,]

undertake to say that he knows more about the Post-Office Department, its increase of business, its need of additional employés, its need of additional money for the star-route service, or for any other service, than does the chairman of the Committee on the Post-Office and Post-Roads, or than do the members of the Post-Office Committee, who are in daily contact with that Department, daily considering and maturing the legislation which is made absolutely necessary by the growing wants of the Department?

To illustrate, I will refer to a circumstance which occurred during the last Congress, and my distinguished friend from Minnesota [Mr. DUNNELL] took a leading part in it, and will remember it. The Committee on Appropriations considered an estimate for a certain force of additional employés needed in the General Land Office, and their salaries, and reported a trifling increase. It came to the attention of myself and of Mr. DUNNELL that this was wholly inadequate to bring up the business of that office, which had been hanging back for years and years on account of vastly increased demands upon the office, so that titles to land could not be given, though absolutely demanded by the business interests of the far West.

That subject was presented to the Committee on Appropriations clearly and succinctly by the gentleman to whom I have referred, and by myself and others. That committee at once saw the justice of it, they accepted the amendment, and it was passed.

Now, I say that what occurred then will occur and must occur in every one of the Departments of this Government and in every branch of the public service. There is a large discretion to be vested originally in some one committee of this House in preparing a specific appropriation bill. Which committee shall have it? The committee that knows all about it or the committee that can know but little about it, comparatively, for lack of time?

I will quote another section of the Revised Statutes, section 3664:

> Whenever the head of a Department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added.

I take it that the statutes presume that when these bureau officials, these Department officers, so careful, so correct, so conscientious, so intelligent as they generally are, send their estimates to Congress, it is expected and required of us as custodians of the public money that we shall critically examine those estimates, cut them down or increase them. Now, how can we do that if as a committee intrusted with the duty we know little about the inner workings of that branch of the service? In this same connection I desire to refer to one of the old rules which has been left in this revised code. I refer to clause 3 of Rule XXI, which reads:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, do you not see that when the limitation fixed by law for the cost of a public building as reported by the Committee on Public Buildings and Grounds has been reached, the Committee on Appropriations can and do proceed indefinitely to continue appropriations? Why should they not consult, at least, the committee which authorized the building and ask it to name the amount for their consideration?

Here again it is not true that the Committee on Appropriations will only appropriate for that which is definitely fixed by law.

Now, Mr. Chairman, the Committee on Appropriations does not as a matter of fact know the cause and the cure of these large deficiency bills which are introduced at every session of this House upon the report of some Departments of the Government unless they choose to make a special investigation. That investigation is perfectly proper, but consumes the time of the Appropriations Committee, already inadequate, and might be avoided if each committee would give more attention to the preparation of the bills originally passed. They ought to be able to foresee whether a deficiency would be probable under the bill they are about to report; and, if so, they can correct it so that this House shall not appropriate for deficiencies year after year.

But I will not dwell on these points. I now pass to a statement of the reasons why I insist upon the final review of the work of all these committees by the Committee on Appropriations without destroying the original bill and without taking charge of it upon its passage. In doing so I propose no degradation of any committee of this House; nor do I think the Committee on Rules have purposed any degradation of any committee; but I do propose that each bill shall be reported not to another committee but to this House, the bill to be in charge of the House just as the most important messages from the Chief Executive of this nation are in charge of the House, to be referred by the House for specific information and report touching certain questions which the Committee of the Whole House should understand before it can intelligently vote upon these bills. The Committee of the Whole must know, for instance, what other bills which are in progress and to come before it are likely to demand and require. It must know what the aggregate revenues of the Government will be for the next fiscal year and the estimated expenditures as they shall be ascertained. It must, in a word, know whether any excessive importance or unsafe enlargement is given to any special bill. Now, the Committee of the Whole must delegate this inquiry to somebody or some committee.

And, Mr. Chairman, can you name a committee of the House more likely to be in possession of the facts, more likely to deal impartially, intelligently, and justly with all these bills, than the Committee on Appropriations? I think that the committee should have charge of precisely this duty, to give to the Committee of the Whole when it shall come to discuss any particular bill a general review of all the bills, showing the relative importance of the particular measure then presented and the probable effect its passage will have upon other great demands to which the Government may be subjected. This is all that I propose for the Committee on Appropriations; nothing more.

Now, Mr. Chairman, I might say that I am not ashamed to act as clerk of a committee. I do it in a certain sense when as a sub-committee of one I report to a sub-committee. That sub-committee reports to the full committee, and that full committee reports to the House. I do not see anything necessarily degrading in the fact that one committee, officially, as well as severally and personally, should report to another committee; yet we do not ask this in the amendments I propose. We ask that a committee of this House, standing upon terms of equality with every other committee of the House, shall report to the House, and the House shall simply submit its bill for comparison and report to a committee which may impartially consider all bills.

Now, Mr. Chairman, one word as to the so-called "unity" which the proposed revision of the rules gives to all the bills of this House, which was dwelt upon so eloquently by my distinguished friend from Ohio, [Mr. GARFIELD.] Look, for instance, at my own committee, the Committee on Public Buildings and Grounds. We have before us now, and have had before us for some time, a bill providing for a public building in the city of Pittsburgh. We have given exhaustive examination to the needs of the Government in that city. We have taken into consideration the size of the city, its immense business, the increasing demand for accommodations for public business. We have made this examination, not only in relation to the city of Pittsburgh, but we have considered the requirements of that city in connection with the requirements of every large city in this broad land. For we do not propose to be local in the distribution of public moneys. We propose to consider so fully, so exhaustively the demands of the several cities of this country (just as the Committee on Commerce are doing with reference to the various rivers and harbors) as to be able to say to the House that we believe that this city ought to have a public building not to exceed in cost a specified sum of money. We propose when the time comes to report other bills equally meritorious.

And I will add that we hope before this Congress shall adjourn to report with a favorable recommendation every meritorious bill properly sustained by evidence of public need that is now before us. Why? Simply because we rely upon what the Secretary of the Treasury has told us the needs of public buildings already in progress will be. He states to us at our request how much money will be needed to continue the public buildings already in progress. He states to us in addition to that, as doubtless he states to the Committee on Appropriations, about what aggregate amount in his judgment can reasonably be allowed for all appropriations for buildings and grounds during the next fiscal year. Now, taking the difference between the total and that which he estimates as needful to continue the present buildings, we have arrived at the conclusion that we can safely report in favor of the construction of a public building in the city of Pittsburgh not to exceed in cost $750,000, and that the available funds this year will justify us in reporting an expenditure of $150,000 which will provide the foundations for that building fully protected for the next winter, the ground having been purchased and donated years ago.

Now, having done this, having carefully gone over all this ground, how can there be unity in the action of the several committees when we cease to have any control whatever of appropriations for that public work the moment the building is authorized by law? Next year the estimate comes from the Secretary of the Treasury for money to continue that work. We see it not; know nothing of it. It goes to the Committee on Appropriations and is passed. The next year another estimate comes and it goes to the Committee on Appropriations and is passed. The next year and the next year and so on when the Committee on Public Buildings and Grounds wake up perchance they find a million and a half has been appropriated to the city of Pittsburgh instead of $750,000. Law for it—where? Unity of purpose between the committees in comparing the claims and needs of the country and in discreet and judicious action? It cannot be. I do not undertake to say that the committee on Public Buildings and Grounds might not or would not have done the same thing. However, if there is any one thing I have resolved to do in my official relations to this committee it is to recommend so far as I can all appropriations which I think to be right and to take all responsibility before this House for the aggregate as well as the initial sum recommended. If the Committee on Appropriations chooses to exceed or diminish the appropriations our committee might recommend,

then the responsibility rests with them, and the House would decide the question more intelligently.

I am giving a supposable case, of course, Mr. Chairman—a supposable case under our present rules—nay, an actual illustration of more than one public building which now stands in the way of legitimate appropriations for greatly needed buildings elsewhere because of incongruous legislation and appropriations heretofore. I hold there can be no conceivable reason why the Committee on Commerce should carefully consider the needs of the Ohio River at Pittsburgh and recommend appropriations therefor year after year while the Committee on Public Buildings and Grounds, with one of the safest and most intelligent chairmen upon this floor, shall be required to exhaustively consider the needs of the public service present and prospective for public buildings in the city of Pittsburgh, involving much larger expenditures of the public money perhaps, and then be refused absolutely any supervision or control over the appropriations therefor. It is utterly unfair and inconsistent; my amendments will correct it. I blame no one but the rules for this condition of affairs. The architect is bound to employ to the best advantage whatever money the Committee on Appropriations desire him to have. I do not blame the Appropriations Committee, because they invariably hold in check the appealing Representative from the district interested and seek by ascertaining in the moment of time available, but which is wholly inadequate, the actual necessities of the case. I blame no one, as I have said, but the rules. But I plead for this change which will place these several committees in charge of these several branches of the public service upon an equality.

I cannot accept the statement that the guarded distribution of labor among the committees, which I suggest, will necessarily increase expenditures. Two committees endanger an appropriation of doubtful propriety more than one; one committee, more than a sub-committee or a conference committee like that one referred to by General Schenck.

It is worth a trial, Mr. Chairman. Now is the time and the only time within the past fifteen years when this wholesome practice could well be inaugurated, advocated by General Schenck so warmly at the time the Appropriations Committee was formed, tested and approved for four years by the gentleman from Ohio, [Mr. GARFIELD,] in connection with one committee, and finally recommended, with slight variation by the present Committee on Rules, to be applied to the Commerce Committee. A most commendable feature of this revised code of rules is that it places the committees of the House upon something like an equality in the presentation of business. Now let that equality extend to the preparation of business and then we shall have less trouble in forming our committees, less jealousy between our committees, less conflict upon the floor and consequent waste of time in perpetually seeking to obtain, in violation of rule, that equitable distribution of responsibilities and labor which a national House of Representatives thoroughly democratic in its instincts will ever insist upon.

Mr. WRIGHT. It is not my purpose, Mr. Chairman, to find fault with the report of the Committee on Rules. I think they have discharged their duties well. They have made the first step in advance in the simplification of the mode and manner of transacting intelligently the business of this House. I have been a member of this House for many years, commencing a great way back, and, with all the attention I was able to bestow on the subject of understanding the rules as they now are, I must confess my utter inability to be able to comprehend them.

I remember a conversation I had many years ago with Mr. Calhoun on the subject of the rules. I made the inquiry of him whether they could not be simplified, and his reply to me was that the rules of the House were mostly shaped in the way in which they are to prevent bad legislation and to protect the rights of the minority. Now, that is a very good reason. The rights of the minority of the House of Representatives of the United States ought to be fully protected against any improper or hasty legislation. But I submit, sir, it takes a man with more brains than I have, more perseverance than I have, and more discrimination than I have to comprehend the one hundred and sixty-six rules which we have now and under which we are legislating.

Mr. DAVIS, of North Carolina. And more time.

Mr. WRIGHT. Yes, and more time, as my friend from North Carolina suggests to me, than one can bestow, and discharge his other duties. I do not want, therefore, to find any fault with the committee which has had this subject under consideration. They have had a work of immense labor. The men composing that committee are men of large experience on the question of parliamentary law. They have made report with marked ability, and, while there may be some amendments which ought to be incorporated in the report, I would be the last one who would stand in the way of defeating the report of that committee by amendments which might be offered to-day, even if, in my judgment, they may be superior to portions of it.

I was always of the opinion, Mr. Chairman, that the Committee on Appropriations had more power than it ought to have. I was a member of this House when the Committee on Appropriations was created. It was done, I think, in 1861, and it was whispered around—how true it was, I will not pretend to say—that it was mostly inaugurated for the purpose of accommodating a very distinguished man from Pennsylvania. That was Mr. Thaddeus Stevens—a great man beyond all doubt. He had his prejudices, he had peculiar opinions, but he had a noble and generous heart, and there are few men whom I have met in the long political experience I have had who had my respect more fully than Mr. Thaddeus Stevens.

It was said at the time that this was done to preserve for him a permanent place, but I apprehend that that is a slander upon the man. It was deemed proper at that time when such vast sums of money were to be expended by the Government, that the Committee of Ways and Means should be relieved of a portion of its burdens. Now, in looking over the report of the committee there is nothing in it that I can take exception to, or that I deem exception can be taken to on the part of any member of this House, except that part which refers to the river and harbor bills. That is a subject that touches all parts of the country, and this is a matter in my judgment which should come under a more thorough discussion by the Committee of the Whole. That is the popular throne after all that is said and done, and where discussion should not be trammeled, the more appropriate place to deposit the power that disposes of seven or eight millions of dollars of the money of the people than the Committee on Appropriations, eminent as they may be and selected of the very best material in the House. Therefore I agree with the remarks of my friend from Kentucky [Mr. OSCAR TURNER] yesterday with regard to a full discussion and opportunity, where large sums of money are appropriated, of affording to every member of the House an opportunity to record his vote in regard to the expenditure of these vast sums. That is the true doctrine.

After all that is said and done, Mr. Chairman, what are we to understand by the rules of the House as we may rightly conceive what the rules ought to be, that is to expedite legislation and to deal in a proper manner with the rights of the minority as well as of the majority? Therefore, that system which gives opportunity for full debate ought to be had. That is the system of rules that this House ought to adopt. And I venture to say from my place, as an old member of this House, that the forty-six rules offered to us by this Committee on Rules as a substitute for the one hundred and sixty-six rules under which we are and have been legislating is a wonderful improvement, and there ought to be no small reason intervening between the adoption of the report of that committee as a substitute for the rules we now have and have been acting under.

Now I can readily conceive why the Committee on Appropriations should have charge, and very properly, too, wherever the report of the expenditure of money comes through one of the public Departments of the Government. I say at once that that is proper, either to go before the Committee of Ways and Means or the Committee on Appropriations—perhaps the Committee on Appropriations would be the best designation for it. Wherever a report for an expenditure comes from a Department it is right and proper that the Committee on Appropriations should have the control, the exclusive control, of that subject. But where the appropriation comes from any other committee of the House, where the sum required is not designated by any of the Departments whatever, in my judgment the Committee of the Whole ought to have the exclusive control of the subject, and that it ought not to go to the Committee on Appropriations. But what most engages the attention of the House is the river and harbor bills.

There is no Department of the Government which makes an estimate for an expenditure of money to be appropriated for the improvement of rivers and harbors. That question goes legitimately to the Committee on Commerce, and in my judgment they should have exclusive control of it, and whenever it passes from the hands of that committee it ought not to go to the Committee on Appropriations, but to the Committee of the Whole House, where every member can have an opportunity of expressing his opinions with regard to appropriations recommended by the committee. And now, with that single exception, or with an amendment of that kind—and, if I understand the temper of this House, I think it is manifest that it is the wish of members that the river and harbor bill should not go to the Committee on Appropriations—I say with that single exception I am willing to take the report of the committee, because I believe that there are merits in it of the very highest order and character; that it is the work of men of superior intelligence and long practical experience in this House, and that is one strong argument at least why the House should adopt it.

But there is another reason that is beyond, a strong and powerful reason: that the Committee of the Whole have full opportunity, when coming to vote an appropriation of seven or eight millions of dollars, of having it fully and particularly discussed. There should be a full and fair opportunity for debate, as my friend contended yesterday, on this subject.

Now we have this report before us, do not let us be so divided as to defeat the object that the committee had in reporting these rules, because it is a great improvement upon the system that we have adopted here and under which this House has been governed for years and years. They cannot be understood by the great majority of the House. They are too complicated. They are a mystery.

I do not know but what I possess about as much intelligence as would come up to the ordinary standard of a member of Congress. [Laughter.] But I confess to you frankly that I am but a child here. I go to the Speaker for information. I cannot comprehend the language he gives me, and yet it is parliamentary. [Laughter.] Everything that appears in the book of rules is parliamentary; but it is a

parliamentary language, Mr. Chairman, that is Greek to me. It is Greek to every man unless he devotes weeks and months and years to comprehend this matter.

Mr. DAVIS, of North Carolina. And a stumbling-block to many.

Mr. WRIGHT. And a stumbling-block to nine-tenths of the members of this House, and particularly so to me.

We meet here to pass laws. Ought we not to have a system of rules we can comprehend so that we may know when to make a motion? Ought we not to have a regular line of proceeding with regard to matters that are upon our Calendar? When anything goes to the Committee of the Whole you might as well, as a general thing, consider it in its legislative grave; you cannot exhume it. When you desire to do something that long, bony finger is outstretched with the words, "I object;" and those words, "I object," issuing from the tongue that belongs to the body which owns the bony finger, can hold two hundred and ninety-two men at bay. Is that civilization? [Laughter.] Is that equality in this Chamber? The other day a single objection was made to a small matter I had in charge and it went to the Committee of the Whole because there was a small appropriation in it. It was a question which had not been raised here for the last ten years, but there happened to be a laboring-man in the case and therefore the objection comes. The committee of which I have the honor to be chairman desired to report certain testimony, but objection was made and it had to go to the Committee of the Whole. For twenty years no such report had ever gone to the Committee of the Whole. But labor and the rights of laboring men never had and I am afraid never will have much of a standing in this Chamber. We shall see.

Now, what I want to get at is this, that no man under the rules of the House shall have the power to stop the wheels of legislation. I would like to have the majority of the Chamber govern, and I would like to have the opportunity of so presenting a question to the Chamber that the majority of the House would have an opportunity to decide it. It is a mere matter of accident that you get up a bill under the rules as they now are. Under the rules as they are now reported to us the order of business is properly arranged; one class of business is put upon one calendar; another class is put upon another calendar, and there is a way and a method of reaching legislation—a great innovation upon bad customs; the dawn of better days, I hope.

But, sir, let it remain as it is, and at best the whole system of parliamentary law, as provided by the rules of this House and as carried out, is a stumbling-block to the members who compose the body. I have been somewhat amused at some of my colleagues, who I know have had much less time and experience in legislative life than I have, who know fifty times as much about the rules as I do. Why? Because they have abandoned all other things that required their attention in the House and gone into the study of the rules. [Laughter.] This book of rules is the Sanscrit of American parliamentary literature. [Laughter.]

Now, sir, the system, as I understand this report, is simplified, and common men like myself can understand it. Any member of the House, under the new rules, will be able to understand what he is about. Therefore, I say, do not let the opportunity slide of amending a bad system and adopting the report of the committee. If the committee find a majority of the House not disposed to let this question of rivers and harbors go to the Committee on Appropriations, but preferring it should be submitted to the Committee of the Whole House, I believe if the Committee on Rules will yield that much we can have almost entire unanimity upon the subject.

Having been here some eight or nine years, and having been during that period of time endeavoring to know how to do things, I find myself but a child three years old. [Laughter.] I can go to the Chair and can whisper in his ear, "How is this thing to be done?" I can go to the Clerk, in front of the Speaker's desk, and ask him, "How is this thing to be done? What *finesse* is to be resorted to to accomplish it? What principle of tactics shall I pursue?" He proceeds to explain it, and when he is through I know just as little about it as when I asked the question. [Laughter.] That is not the correct thing, I submit, with regard to the system of carrying on American legislation.

I apprehend there are two main points that ought to engage our attention seriously. One is that our rules must be so shaped that upon voting upon large sums of money the yeas and nays should be recorded upon the Journal. That cannot be accomplished unless, perhaps, the chairman of the Committee of the Whole gives his assent. That cannot be done, it is said, because there are only one or two ways in which it can be reached, and you are too late; you did not apply in time, or some other excuse. Therefore it is very seldom in our legislation here that you have an opportunity to have the votes recorded upon some of the most important measures that engage our attention. Why, I have known $30,000,000 at the present session to be appropriated out of the Treasury without a division even, or the power to call the yeas or nays. Now, even were it possible that there might be entire unanimity with regard to such a vast appropriation, still the yeas and nays should be recorded. The people of the country are entitled to this information.

Does any gentleman say that there is no necessity for recording them? If any man desires to vote "ay" let it be seen; and if he has a disposition to vote "no" let his name stand out, even if alone, like Lot's wife upon the borders of the Dead Sea when she started for the plain. Even such a one should have an opportunity to put his name on record. [Laughter.]

I believe I have said about as much as I ought to say. I am not one of those, Mr. Chairman, who when they obtain the floor do not know when to stop. When I have said what I want to say then I stop; and I do not need to have the clock run against me. It is a wise man who knows when to stop. Having made these few remarks upon this question let me in conclusion say, as the oldest member in point of years in this House, as I believe I am——

Mr. WILLIS. The ladies will not believe it. [Laughter.]

Mr. WRIGHT. No, the ladies will not believe it; but that don't change the fact. Let me say, as the oldest member in point of years in this House, and also as a member who has had some years of experience here, that it is my judgment the report of this Committee on Rules gives us an opportunity to begin a reform. I will vote for the adoption of this report, even if this House shall refuse to strike out that part of it relating to harbors and rivers, which under these rules will of necessity go to the Committee on Appropriations, but trust to an opportunity hereafter to make the amendment.

Here is the report of a system of rules, which is in the line of progress and of advance. Let us adopt the report of the committee. It does not meet every objection that may be raised to it, but it has so many good things in it that we can well close our eyes to the small matters contained in it to which there may be some objection.

Now, my friend from North Carolina [Mr. SCALES] may have ten minutes of my time if he promises to keep in order and behave himself. [Laughter.]

Mr. SCALES. I will promise to do so. With the consent of the gentleman from Pennsylvania [Mr. WRIGHT] I will yield to the gentleman from Michigan [Mr. HORR] for ten minutes, and take my ten minutes afterward.

Mr. WRIGHT. I have no objection to that.

Mr. HORR. Will the Chair inform me how much time I have under this arrangement?

The CHAIRMAN. The Chair understands the gentleman will have ten minutes.

Mr. HORR. Mr. Chairman, I wish to say that in looking over the report of this Committee on Rules I have come to conclusions which differ so widely from those expressed in the speeches which have been already made that I have felt it to be my bounden duty before this debate shall close to present to this House some of my objections to the wild report of the Committee on Rules.

I propose to speak, Mr. Chairman, as other members have done, in behalf of the committee of which I am a member. [Laughter.] I represent the great Committee on Manufactures. Upon a careful examination of these new rules I find that they, like the old rules, almost entirely ignore that very important committee. Why, sir, in looking over the history of the committees of this House I find that the Committee on Manufactures is one that comes down to us from the fathers. It was created away back in 1819, while your Committee on Appropriations was not born until 1865. [Laughter.] What do you think of that?

And yet it is proposed that your Committee on Appropriations shall run this House and leave this great Committee on Manufactures nothing to do. Why, sir, the House the other day took the only bill which our committee has had for eighteen years and referred it to the Committee on the Judiciary. [Laughter.]

Now upon examining the different committees of this House and their duties, I wish to say that I am satisfied that a large number of them should first report to the Committee on Manufactures before they report to the House at all. [Renewed laughter.] I have a list here of the different committees. There is the Committee of Elections. Now one would naturally think that that committee should never report to or have anything to do with the Committee on Manufactures. But if gentlemen will only reflect a minute upon the great amount of *manufactured* evidence which is brought before that committee [laughter] they will see at once that it should first report to the Committee on Manufactures in order that we may revise their work. Should they not? Certainly they should.

Next, there is the great Committee of Ways and Means, that towers so above all the rest and that stands "back to back" with the Committee on Appropriations. Well, I have got a couple of committees that I am going to back up together before I get through. [Great laughter.] There is the question of the tariff. That question affects every manufacturing interest in this whole land; and, consequently, before the Committee of Ways and Means undertakes to strike down any of the manufacturing interests of this country it should have the benefit of the wisdom of a committee that devotes itself to the study of manufactures. [Laughter.]

I see I shall have to hurry, because my time is limited. [Cries of "Go on!" "Go on!"] There is the Committee on Appropriations. I confess it staggered me at first to see in what manner the action of that committee should be made contingent upon the action of the Committee on Manufactures. But upon looking back over the work of that committee in the past, I find that they have devoted much time to the making and the manufacturing of Presidents, by means of riders upon their appropriation bills, &c. [Laughter.] Now, all political action and manufactures of that sort should first have the

revision of our old committee, and not be permitted to be decided by this new bantling that was born only in 1865. [Renewed laughter.]

Again, there is the Committee on Banking and Currency; and here I am very clear about it. [Laughter.] I want to appeal to the center of this House, to the great phalanx of my greenback friends.

Why, sir, if we should pass the bill to issue $450,000,000 of paper money for the benefit of the soldiers who had to take greenbacks during the war instead of gold, and if we should add thereto the $573,000,000,000 provided for by bills already introduced into this House, the question will cease to be a question of finance, and will reduce itself to a simple question of manufacturing capacity. [Laughter.] Thus it comes clearly within the duties of the great committee to which I belong. Hence I think the Committee on Banking and Currency should be compelled to report to us for advice in regard to making machinery, &c., to supply the great want of this nation as to a proper circulating medium.

But I must hasten on. I come next to the Committee on the Pacific Railroads. The road-bed and the building of the track of these railroads should certainly have the care and attention of our honorable chairman. Again, there is the Committee on Commerce. Now, I believe that they should report to the Committee on Appropriations, but to our committee first. [Laughter.] I hope they will not be sensitive about it, because after they once get to reporting to the Committee on Manufactures they will get, as it were, used to it, and it will not go so hard with them after that. [Laughter.] Look at the great interests represented by the Committee on Commerce—the jetties, the levees, the light-houses, the docks and piers that are building in this age of commerce, every one of which calls into power this business or manufacturing element of our committee. That is clear, certainly. If the Committee on Rules, with our honorable Speaker at its head, had thought of it, undoubtedly they would have provided that the Committee on Commerce should report to us.

Then comes the Committee on the Judiciary. I have some malice against them, because they stole the only bill we ever had. [Laughter.] It might appear that the effort to find some work of theirs which should properly be referred to us would be almost fruitless; but I do find that they are in the habit of "manufacturing" replies to veto messages. Now, that is clearly a matter in which they should have the supervising care of the Committee on Manufactures.

The Committee on Agriculture, I am satisfied, should be abolished and combined with our committee. I do not want to take up any time on that. [Laughter.]

Then comes the great Committee on Military Affairs. In regard to them I submit the same argument as in regard to the Committee on Commerce. It is well enough for them to report matters pertaining to expenditures of moneys directly to the Committee on Appropriations; but, sir, those great interests which tend to the building of forts, the erection of breastworks and arsenals, the manufacturing of shot and shell, concern deeply the manufacturing elements of this country, and should have the guardian care of this committee which has been so long ignored in this House. [Laughter.]

Now I come to the Committee on the Militia. That is a committee of which I am proud. I think they should stand pre-eminent, side by side with the Committee on Manufactures. You know, sir, that in the early part of this debate a distinguished gentleman in a very eloquent manner put the Appropriations Committee "back to back" with the great Committee of Ways and Means. Now, I should think that we should stand these two boys, the Committee on the Militia and the Committee on Manufactures, together in the same way. [Laughter.] It will be seen that the business of the Committee on the Militia pertains to war, to destruction, to tearing down. The business of the Committee on Manufactures is to build up, to repair the waste places. The Committee on the Militia has to do with glistening sabers, fixed bayonets, columbiads, field-guns, and all the implements of war. The Committee on Manufactures has its arms full of implements of peace, including the implements of agriculture, if we can abolish the useless Committee on Agriculture. Thus we hold in our hands the implements that pertain to peaceful civilization. These two committees naturally stand facing in opposite directions, one looking toward war and blood, the other turning toward peace and industry. Is it not clear? [Laughter.]

I need not say that the remarks I have made in reference to the great Military Committee of the House apply equally to the Committee on Naval Affairs. My distinguished friend [Mr. WHITTHORNE] must see this, and I have no doubt that he will yield without any argument on the subject.

I now come to a rather difficult committee to deal with, the Committee on Foreign Affairs. I have sought everywhere for something which this committee does which should enable us to claim some rights for our committee. It has troubled me a good deal. I consulted the chairman of the committee himself for aid, but he would not assist me. As near as I can make out the facts by my reading the Committee on Foreign Affairs for the last two years has been largely engaged in enabling the gentleman from New York [Mr. COX] to "manufacture" witticisms. Look, if you please, at his speech on green corn, which I read with so much interest, when delivered in a former Congress. I have a long acquaintance with that gentleman, through books only.

I came here with the highest respect for him, because I had followed him through Rome and Naples and Malta and Venice and Athens and Smyrna and Constantinople and Geneva, and the awful majesty of the Alps, when reading his book entitled The Buckeye Abroad. I had also followed him through Corsica, Algiers, and Spain, in that matchless work, Winter Sunbeams, and consequently I came here full of high hopes that the gentleman would give me great entertainment. When my seat was drawn I was unlucky; I got a seat over there under the green baize, and when the distinguished gentleman used to get up to speak I could not hear a syllable he said. This leads me to suggest another rule which ought to be adopted, one whereby members when they speak can get the ear of the House.

Mr. Chairman, if you knew how I have suffered, if you knew the good things in the speeches of the gentleman from New York which I lost when I first came here, you would know how to sympathize with me. [Laughter.] Finally I managed to overcome the difficulty. I learned to know by the expression of the gentleman's countenance when he was going to say a good thing, so I laughed and cheered, and the next morning I looked up the RECORD to find out whether I had laughed in the right place, and came to be astonished at the accuracy with which I had hit it. [Great laughter.]

I have one or two things more to say, and then I shall have done with this important question. I now come to deal directly with the Committee on Rules themselves. I desire to state to the Committee on Rules that if they had in the first place submitted their work to the Committee on Manufactures we should not have been in the tangle we are in to-day. The Committee on Rules undoubtedly have capacity for originating, they are men of keen intellect, but when they come to build up the structure, there is where it seems to me they lack; we have only to look at the way their work has been handled for the last four or five days to see where they failed. Why, sir, it has become perfectly appalling, and I do think, but I may be mistaken about this, that if they had availed themselves of the building capacity of our Committee on Manufactures this trouble might have been avoided. [Laughter.]

There is one other special committee which I must touch on and then I am done, and that is the one headed by my distinguished friend from Pennsylvania, [Mr. WRIGHT,] a committee which went in search of general depression last summer. [Laughter.] I had an impression when that committee was organized that it was for the purpose of humiliating the committee of which I am a member, [laughter,] and therefore if they come to any bad end it is no more than I had expected, [laughter,] for, sir, men when they seize upon something which does not by right belong to them are rather apt to fail.

I have studied the history of that search after general depression which was made by that committee. I followed them during the summer to Chicago. Well, Chicago was an unfortunate city to look for the "general," because every industry in Chicago was on the boom, every single enterprise in the State of Illinois was looking up. I believe they did take the testimony of a few individuals and then wended their ways gently to Salt Lake City. [Laughter.] They thought perhaps among the Mormons they should find the manufacturing element at its lowest ebb. [Great laughter and applause.]

Why, Mr. Chairman, they even scaled the Sierras and brought up on the slopes of the beautiful Pacific, and there they irrigated the sand-lots. [Laughter.] One convention had the impudence to nominate our revered friend for President of the United States—not according to his wishes, but in spite of them. [Laughter.] There have been candidates before him in this country who have been nominated for that office when they did not desire to be.

But the committee came back without finding anything. If they had referred at the start to the Committee on Manufactures we should have helped them out. If they wanted to find general depression they should have gone into Ohio and looked among our democratic brethren there just after the election. [Laughter.] The depression would have been discovered there with well-defined symptons. Why, sir, the gentleman could have found the same thing among his democratic brethren in Pennsylvania. And just after the election there—but I am not going to trace his wanderings further.

All I have to say in conclusion, Mr. Chairman, is that the is a serious subject, and I do hope when we get through with the investigation of the report of this Committee on Rules justice at least may be done this old time-honored committee which I have the honor to represent. [Laughter and applause.]

Mr. WRIGHT. How much time have I left?

The CHAIRMAN. Twenty minutes.

Mr. WRIGHT. I yield it all to the gentleman from North Carolina, [Mr. SCALES.]

Mr. SCALES. Mr. Chairman, I am sorry that this debate has assumed the shape it has. I regret that any issue has been made with the Committee on Commerce. I regret that committee seems to entertain the idea that any attack was made upon it by anybody. I do not understand the report of the Committee on Rules in that way, and I do not believe it can be tortured to mean any such thing. I take pleasure in saying that anything I shall say is not meant, even to the slightest extent, in derogation of the Committee on Commerce. I know many of those gentlemen, and there is not a committee in the House which I believe deserves and has more the confidence of the House than the Committee on Commerce. That that committee has labored faithfully, honestly, and conscientiously to discharge their

whole duty I have never entertained a doubt, and if I considered this report in any way as an attack upon that committee, I would be one of the first to come to its defense, and especially to the defense of my old friend, the chairman of that committee, whom I have so long and so favorably known. But I do not so consider it; and I do not think it can be fairly so considered or interpreted by anybody.

If, then, sir, it is not an attack on that committee, let us next inquire what is the question that this House is called upon to decide so far as that committee is concerned. I understand it to be simply this, and I hope I may have for a moment the attention of the chairman of that committee, to see if we cannot find some common ground upon which we can both stand; I am anxious, Mr. Chairman, whenever different views are entertained on any subject, and a discussion is had, first to find out the points, if any, of agreement between us, and invoke their aid in coming to a conclusion.

I understood my friend to say the other day—and it was what I expected of him, and what I thought he ought to say, and what I am convinced he will repeat now—that, as an individual member of this House, any bill, from any committee, appropriating a large amount of money for any purpose, ought to have its consideration in Committee of the Whole House, where it may be discussed and amended. I understood that to be the position that my friend occupied, and I was gratified with it, but not surprised. Any gentleman of this House who has observed his course, and all must have done so, heretofore, on all subjects, and has witnessed how often and how long, like a great rock, he has stood up and dashed back the waves of extravagance which so often threaten to overthrow us, will not be surprised at his admission.

Then, if I am not mistaken in this, the gentleman from Texas, the gentleman from West Virginia, and all of the other gentlemen on the Committee on Commerce agree that it is desirable that no appropriation reported to this House should be passed without full consideration in Committee of the Whole. Now, sir, is this right or wrong? If that is right, and we agree, we have taken an important step in reaching a just conclusion.

Now, sir, the history of these bills for the last four or five years will prove, and the developments of this extended debate will prove that under the rules as they exist no bill will ever be reported by that committee except upon a suspension of the rules, and it will become a law without debate or amendment, or even an opportunity for either. Will any gentleman on that committee dare now say that he expects to pass a bill at this session or at any future time, except by a suspension of the rules, which smothers all debate, all amendments, and all investigation by the House? This is a great wrong.

Then, sir, if I am correct in this, here is the position we are in: No bill from the Committee on Commerce will ever pass this House unless by a suspension of the rules, and yet we all agree that it ought not to be done. Now, sir, is there no remedy for this? Is it not possible to frame a rule which will remedy it? Is it not to be expected that this House will consider that question maturely, and so frame its rules that they shall understand what they are doing, and yet do what the great interests of this country require for the rivers and harbors? I think so. All agree that something ought to be done, and surely it can and will be done.

I beg for a moment to read what my friend from Texas said the other day. He says: "I will premise what I have to say on this subject by stating that there is no bill which comes before Congress that requires so much labor." I grant it. "So much time." I grant it. "And so much constant application on the part of the committee preparing the bill appropriating the money for rivers and harbors." I grant all of that, sir. It is a laborious committee; it is an honored committee; it is a committee that I am willing to trust, but I ask that committee if they will tell the House and the country that the bill which has taken them, by their own admission, three months or four months or six months to consider and prepare should be passed in this House under a suspension of the rules in less than half an hour? Will my friend go to his constituents, will he go to the people of this great country, and say that a bill so important, requiring so much time and so much labor from one of the most intelligent committees of this House, should pass the House in less time than half on hour? A bill, too, which scatters $8,000,000 all over the country.

What do we know about it? What opportunity have the members for being informed as to the bill which they present? Just think of this, and let us pause that we may consider it. The fact cannot be denied, and no gentleman will dare do it. If it takes them three months, surely we cannot understand it or act intelligently on it in half an hour. It is impossible.

I think we have agreed that something ought to be done on all hands. The Committee on Rules have offered a remedy, and if there is no better we will take that. I am willing myself to take this report from the Committee on Rules, with some slight amendments, just as it is. I commend them for it, and I say, in my judgment, that it is the best thing for economy that can be done—economy of time and economy of money.

And I trust that when we come to decide this question we will decide it outside of what our particular districts may want in the way of commerce, that we will decide with a view of having legislation brought into this House under that old honored rule which ought never to be abolished and ought never to be ignored: *that every appropriation shall be considered in Committee of the Whole.* It is an old rule. I trust it will be a perpetual one.

I hold in my hand a bill reported by the Committee on Commerce. I have not a word to say about the appropriations in it. I know there was no corruption. I know it was well considered by that committee. But I appeal to every member who hears me—I appeal to every gentleman who voted for it, and I ask him to tell the country honestly and truly, did he know one thing about anything in this bill except the appropriation for his own particular district? Not one; and yet it passed the House by a two-thirds majority. Why, Mr. Chairman? I ask the House why? I ask the country why it was done? It was done because every State was provided for; and a two-thirds vote was gotten because every State was provided for, and that, too, when the member in most cases who voted for it knew nothing of the merits of the works in any other State than his own. That is the truth. I speak it because it is the truth, and I mean no reflection upon any body. Of course I do not allude to the members of the Committee on Commerce. I believe they do know. But I speak of those gentlemen who are not on that committee. Some gentleman says I am mistaken. Tell me how it is that a bill that has required the attention for three long months of the Committee on Commerce shall be mastered in this House by any man, I care not how great his intellect, in half an hour, and then you may show I am mistaken, and not till then. It is no mistake.

Mr. KENNA. If the gentleman will allow me, I would like to make a suggestion in connection with his present line of remark.

Mr. SCALES. I yield to the gentleman.

Mr. KENNA. It has been, so long as I have been here, the uniform practice in reference to the river and harbor bill after its preparation has been completed by the Committee on Commerce, to have it printed and recommitted and the printed bill distributed so as to put it at the disposal of every member of the House. The reports of the engineers are already printed, so that they are at the disposal of every member of the House. And I submit in connection with the observation of the gentleman from North Carolina that there is no reason, under the system under which that bill has heretofore been passed, why every member of this House who desires and will take the pains cannot inform himself about every single item in that bill. I know how difficult it is for members with the various duties which press upon them to do that. But there is no reason why any member cannot do that if he desires.

Mr. MILLS. May I say in addition to my friend from North Carolina, he knows very well and all of us know the great body of our legislation is on the reports of committees. There is very little discussion in the House on any question. We have mostly to take the reports of committees. My friend saw in the last Congress, and so did I, a bill from the Committee of Ways and Means fixing a debt of seven or eight hundred millions of dollars upon the people of the United States, and which was put through the House under the gag law, and no man was permitted to offer an amendment. What is the difference between that and suspending the rules and passing the river and harbor bill by a two-thirds majority?

Mr. SCALES. My friend asks me what is the difference between passing the river and harbor bill under suspension of the rules and passing such a bill as that he refers to under the operation of the gag law. Ordinarily there is no justification for doing either, and I am against both. That is my answer. One wrong is not made right by another.

Mr. MILLS. That is the practice.

Mr. SCALES. If it is the practice it is a bad practice, and the sooner my friend from Texas joins me in condemning it and putting an end to it the better it will be for his constituents and the country.

Mr. MILLS. I have always contended for the largest debate on all of these questions.

Mr. SCALES. I am glad the gentleman is a convert; and I ask him to bring his distinguished abilities to support and aid the passing of this rule, which I am sure will be of vast service to the country.

Mr. MILLS. If the gentleman will join me I will make an effort to repeal the rule that permits any bill to pass by a two-thirds vote under suspension of the rules. But I am not disposed to discriminate especially against the river and harbor bill.

Mr. SCALES. If I cannot repeal the thing entirely I will go to the utmost extent of my ability in endeavoring to limit it.

Mr. MILLS. But I will not repeal that part of the system which benefits my constituents and leave that portion that is against their interests.

Mr. SCALES. Neither should I. Any limitation is better than nothing for all our constituents. I find I have spoken longer than I intended. I will make just one further remark.

My friend from West Virginia [Mr. KENNA] says the reports of the engineers and the reports of the committee are in the possession of the House some time before action. Now, my friend knows very well that so much time is occupied in the preparation of the river and harbor bill that the Committee on Commerce is at work on it until just before, and never more than four or five days before, it comes before this House. Members, therefore, have not the opportunity of reading carefully the bill, much less the reports of the engineers, under the pressure of other duties. But if my friend will join me in reporting this to the House, then when I get up and ask why this or that appropriation is recommended in Michigan, or any other State, he will answer, as I know he will be able to do, because he is always

posted in the duties intrusted to his committee, and then I can vote intelligently and this House can vote intelligently. But without it my friend condems me to darkness, and forces me to vote without any opportunity of knowing what I am voting for.

Mr. KENNA. I know how thoroughly sincere my friend is in his opposition to this measure, and partly on that account I would like, if it will not annoy him, to make one further suggestion.

Mr. SCALES. Certainly.

Mr. KENNA. Under the rules of the House as they now stand the Committee on Commerce may report a river and harbor appropriation bill, as the Committee on Appropriations may report any regular appropriation bill, at any time for reference to the Committee of the Whole for consideration. But under the proposed change of the rules, as embodied in the report of the Committee on Rules, they cannot do that. They must bring their bill in here in one of two ways, either for reference to the Committee on Appropriations for revision by that committee——

Mr. SCALES. I cannot permit my friend to make an argument to sustain his side of the question; I have yielded only for a question.

Mr. KENNA. I was about to state that under the proposed change of the rules the Committee on Commerce could bring in the river and harbor appropriation bill in only one of two ways: either for reference to the Committee on Appropriations for revision by that committee, or under a suspension of the rules. Now, that is the point to which I wish to call the attention of the gentleman. The Committee on Commerce, if this proposed amendment to the rules be adopted, can never get their bill into the Committee of the Whole House except through the Committee on Appropriations. And I submit to the gentleman now that it never will go there through that channel.

Mr. SCALES. I do not understand my friend to be willing to submit that appropriation bill for debate in Committee of the Whole. If he should be, I think it likely that he can have a provision of the rules to that effect passed by the House. If he is willing to do that, I think his object can be accomplished. But my friend from West Virginia said the other day that there was a power in this House that was determined to make these appropriations. I was sorry to hear him say that; I was sorry to hear that there was a power in this House always to pass such a bill without light or without information and without the power of objection.

Mr. KENNA. Oh, Mr. Chairman——

Mr. SCALES. And then I could not but remember how that power was obtained. Sir, there is nothing from which we ought to guard ourselves so much in this Hall as against ourselves.

> When self the wavering balance shakes,
> 'Tis rarely right adjusted.

Mr. KENNA. I am sure the gentleman does not desire to do me injustice.

Mr. SCALES. I cannot yield further.

Mr. KENNA. Allow me to state that what I said was that there was a power in this country demanding these appropriations, and that there was a power in this House that would respond to that demand in the passage of these bills. I did not say that they would be passed in this way or in any other way, but upon the merits of the question, for the improvement of the commercial highways of the country.

Mr. SCALES. If I have done my friend any injustice, I will withdraw my remarks. I understood him to say that there was a power in this House that could and would respond to that demand, and I show that that was the only way in which that power can be created in this House.

Mr. WARNER. Will the gentleman allow me to ask him one question affecting the practical working of the rule as proposed by the committee?

Mr. SCALES. I am not on that question now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCALES. I am sorry for it.

Mr. KENNA. If I can take the floor in my own right, I will be glad to do so for the purpose of yielding to the gentleman from North Carolina, [Mr. SCALES.] I have taken up some of his time by interruptions, and do not want to shorten the time he may need for presenting his argument.

The CHAIRMAN. The gentleman can take the floor in his own right, no other gentleman claiming it.

Mr. KENNA. I do so only for the purpose of yielding further time to the gentleman, if he desires it.

Mr. SCALES. I am very much obliged to my friend; I shall want only a few minutes.

I wish to call the attention of this House to one other consideration. We were told the other day, and it has not been controverted, that these appropriations have been increasing year by year until they have gone up from one million to nearly ten millions of dollars. I believe that is not controverted.

Mr. REAGAN. Between seven and eight millions, I believe, is the highest figure.

Mr. SCALES. Very well, from one million to seven or eight millions. That has been done in a very short series of years. How has it been done? Has it been done by enlightened legislation? It has been, I admit, so far as that honorable committee is concerned. But has it been done by enlightened legislation of this House? Have you, my friend, who have so long and efficiently served the country, [Mr. SINGLETON, of Illinois,] done your duty in that regard? Yes, just as far as you could do it. The rules of the House denied you an opportunity to call for the necessary information; you have not looked into this matter, because you were shackled by the rules of House and could not shake them off.

Mr. REAGAN. Will the gentleman allow me a word in reference to the amount?

Mr. SCALES. That is not material. There has been an increase, and I am not particular about the amount.

In view of this increase which has been going on, I ask the House and the country whether it is not time to reverse these rules.

These expenditures are but a rivulet now, and the committee may now be trusted to look after and govern it. But another day is coming. This country is enlarging. Extravagance is growing every year. Extravagance is getting almost to be the virtue and economy the vice in the legislation of this country. The day will come when this rivulet will become a torrent, sweeping everything before it, when my friend from Texas and my friend from West Virginia will be on another field of action. The day will come when your precedent will be repeated here and have all the sanction of law. The day will come when a bill will be offered in this House that will appropriate two hundred million, yea, five hundred million, dollars, and no man will have the power to raise his voice against it. You are setting the example now, and you may repent it in sackcloth and ashes. You are making that precedent, and you know not to what it will come. I know this, that in the course of six or eight years these bills have increased in amount from $1,000,000 to $8,000,000. I know that the same process which appropriates $8,000,000 can appropriate $50,000,000; and the same process which appropriates $50,000,000 can appropriate $500,000,000. I call upon gentlemen to pause. I ask the House to avail itself of the present opportunity.

The Committee on Rules has done a noble and good work, and I ask gentlemen from all parts of the country to assist in it—in no hostility to river and harbor bills, in no hostility to every proper national work of internal improvement, but with the single view of protecting this country against irresponsible and reckless legislation.

Mr. SINGLETON, of Illinois. Will the gentleman from North Carolina, before he takes his seat, allow me to ask him a question?

Mr. SCALES. Certainly.

Mr. SINGLETON, of Illinois. Does the gentleman know of any rule by which the will of two-thirds of the members of this House can be or ought to be defeated?

Mr. SCALES. Mr. Chairman, I do not know of any rule by which the will of two thirds of this House ought to be defeated. But I am asking this House now to so amend its rules as not to allow even two-thirds to act without debate and amendment.

I am submitting that even two-thirds of the House ought not to pass an appropriation bill of this kind without giving the Representatives of the people the opportunity of discussing it and showing that it is right.

Mr. SINGLETON, of Illinois. May I ask the gentleman one other question?

Mr. SCALES. Yes, sir.

Mr. SINGLETON, of Illinois. When two-thirds of the members of this House have combined, as is charged, for a particular purpose, such as the passage of a river and harbor bill, what is the use of discussing a foregone conclusion? The gentleman speaks of a combination for that particular purpose. Now, does he propose to take up the time of the House discussing for weeks and months a proposition that must pass under this combination which he charges against the friends of river and harbor improvements?

Mr. SCALES. I most assuredly do. If men will sin, let them sin against light and knowledge. I propose that we consider the measure in Committee of the Whole and give gentlemen every opportunity to know what they are doing, and if they fail they must answer to their constituents.

Mr. SINGLETON, of Illinois. I think it probable that two-thirds of the House have as much light as one-third.

Mr. SCALES. But the two-thirds have not the light, and they deliberately determine that they will not have it nor permit the one-third who want it to have it. When a man knows his own district is provided for he is, I fear, little concerned about the light which should fall upon the balance.

Mr. KENNA. Mr. Chairman, it was not my purpose in taking the floor to do anything more than yield to the gentleman from North Carolina, [Mr. SCALES,] in order to enable him to finish his remarks, as I had interrupted him during his own time. Having the opportunity, however, I will say a word in reply to what the gentleman has said in his comments on remarks of mine on this subject. Nothing could have been further from my intention in making the statement that there was a power in this country demanding, and a power in this House which would co operate with that demand for appropriations for the improvement of our rivers and harbors than to intimate that there was any combination or understanding existing on the subject, or that there was any purpose either in the House or out of it to aid appropriations other than those which are wise, expedient, and just. If I was so understood, I was very grossly and unfortunately misunderstood.

In reference to the effect of the proposed amendment which has been discussed by the gentleman from North Carolina, I have said

to him, and I repeat, that under the rules as they now exist the Committee on Commerce may bring the river and harbor bill into the House for reference to the Committee of the Whole for consideration at any time. They can do this, and I have no doubt that upon any proper occasion they will be glad to do it. But under this proposed amendment to the rules they cannot do it, no matter if every member of the committee desires such a course to be taken.

Mr. SCALES. Would the gentleman be willing to amend the rules so that the Committee on Commerce, instead of sending their bill before the Committee on Appropriations, shall be compelled to bring it before the House and have it discussed in Committee of the Whole? I would join him in advocating such a rule.

Mr. KENNA. That depends, Mr. Chairman, upon what the gentleman means by the word "compelled." If he means to suggest the adoption of any rule which would prevent the House, by a two-thirds majority, from doing what they pleased within the limits of the Constitution, I am opposed to it in reference to the river and harbor bill or any other bill. I see no reason why a majority embracing two-thirds of the members of the House should not have control of any subject coming here at any time to dispose of it in their own manner; and I see no reason why, under their responsibility to the country, their judgment and conviction of right should not better be consulted than the judgment and conviction of a mere minority of one-third of the members on this floor.

Mr. SCALES. I do not want to do my friend injustice, but if what he states now is in accordance with what he stated the other day, then I did him injustice. I understood him to say that it was a matter which was desirable that all these appropriation bills should go before the Committee of the Whole; that that rule was a good one in itself. Does he think so now?

Mr. KENNA. The gentleman did not misunderstand me. I think the rule which requires the consideration of appropriation bills first in the Committee of the Whole is a good one. I have no desire to change it. I have no objection to its standing as the rule in reference to the river and harbor bill, as well as to the other bills; but I do say, at the same time, and with perfect consistency with the idea that the rule shall exist, that it should be in the power of two-thirds of this House to suspend that rule and pass the river and harbor bill or any other bill on any proper occasion, when such motion to suspend shall command the support of such a majority.

Mr. SCALES. One other question, and I will not interrupt the gentleman any further. If the gentleman should become satisfied as I am that no river and harbor bill can be presented to the House in the future except by a suspension of the rules, would he then be in favor of any rule or any means by which it could be forced to the Committee of the Whole?

Mr. KENNA. Ah! Mr. Chairman, that changes the phase of this entire discussion. If it be meant by this proposition to adopt a rule which shall require that bill to be disposed of in the anomalous way proposed, for the purpose of defeating it—and I have already called the attention of the House to that object—then I can well understand why a minority of one-third of this House, and even less, should struggle, in opposition to this bill, for a control which would lead to its suppression and its death. We would then have the spectacle of a bill commanding the support of over two-thirds of the members on this floor and yet failing because one-third, and a mere faction, desired its defeat. There are those, I am aware, who are anxious to say practically by these rules that no river and harbor bill shall pass. But I do not occupy that position in reference to the improvement of the commercial highways of this country.

I will say further to the gentleman that the very object which he desires to accomplish, as I understand him, the consideration of this bill in the Committee of the Whole, can best be accomplished by the rule as it now stands. It cannot be accomplished at all as the rule is proposed to be amended. As one member of the Committee on Commerce and one member of other committees on this floor, I now say to him and I say to this House I shall never consent to devote my time and whatever of energy and ability I may possess to the preparation of any bill and then report it for revision by another committee which I know cannot in the nature of things have the same opportunity to investigate and understand its merits which I myself enjoyed. I will not do it; and I believe on that subject I represent the sentiments of every member on that committee, and I believe, sir, I may safely say the sentiments of every member of every other committee. I do not believe any intelligent committee of this House, and they are all so, will ever allow itself willingly to be put in that position.

Mr. SPARKS. If that were made the rule, would you not observe the rule?

Mr. KENNA. I would either obey the rule or invoke the power, namely, a two-third majority of this House, to suspend it. In this particular case I should move such suspension if I got the floor to do it, and if I could not command the floor, I should do all I could to induce some other member to take the floor for that purpose. That rule as you propose to amend it I should never fail to move to suspend.

Mr. SPARKS. You say you would not now do it for reference to any other committee, but that you would do it if it were the rule?

Mr. KENNA. No; I would not do it if it were the rule.

Mr. SPARKS. Then you would be revolutionary.

Mr. KENNA. No, sir; I would not be revolutionary. It would not be revolutionary to suspend that rule any more than to suspend any other, and I would not be anything more than in the line of propriety; because I should have the right, and could enjoy it as far as my vote and influence would extend, to offer a bill under a suspension of the rules, instead of having it smothered by reference to a committee that would never have time to give it the consideration it deserved.

Mr. Chairman, there are some other things which have been said on this subject of which I think some notice should be taken. One is an undercurrent of insinuation running through this whole debate insofar as it has been indulged in by gentlemen who are hostile to the river and harbor bill, to the effect that there is a purpose in the preparation of that bill and a purpose in offering it under a suspension of the rules to prevent any intelligent investigation of it on the part of members on this floor and to avoid the opportunity by the House in Committee of the Whole to look into every item embraced in it.

If I can have the attention of the House for a few moments longer I think I can satisfy the House how erroneous such an impression is, and how great injustice it does to the members of the committee engaged in the preparation of that bill. It has been fully stated here that the intelligent preparation of the river and harbor bill involves the examination of a vast amount of printed and manuscript matter in the report of the engineers. It has been correctly stated that the preparation involves so much time and so much labor that it is impossible to report the bill at an early day in the session. Now, take the rules as they have existed heretofore until the amendment made in the last session of the last Congress. Take, for illustration, the short session of Congress, embracing three months. The Committee on Commerce was unable in the last short session to prepare the bill for presentation to the House until about the middle of February. Under the rules they were unable to report it any time even for reference to the Committee of the Whole for consideration. They were unable to report it except when the Committee on Commerce was regularly called for reports, and the condition of the Calendar was then such that there was no prospect of the committee being called. and as a matter of fact it was not again called during that session.

Now, sir, under the rules of the House and the very necessities of the case, what was to be done with that bill? It had either to be brought here under a motion to suspend the rules and pass it or it had to die in the committee of its creation. It has not within my own experience and observation been always the choice of the Committee on Commerce to bring the bill into the House in that manner, but they have been obliged to do it from necessity. They have been obliged to do it under the condition of the rules in order to have it considered; and I warn gentlemen who are opposed to that system that if we adopt this proposed amendment to the rule it will not better the situation. It will place that committee where at least in every short session of Congress that bill must of necessity be offered here and passed in that way or be allowed to die in committee.

And I say further, Mr. Chairman, that in the interest of investigation by this House, and in the interest of those who desire that this bill shall go to the Committee of the Whole for consideration, it is far better to vote down this proposed amendment and leave it within the power of the Commerce Committee, as they now enjoy it under the rule, to bring that bill in at any time for consideration in Committee of the Whole. Under that system they may, and I doubt not on all proper occasions when there is time enough to do it and the House desires it they will, have an opportunity to consider the bill in that way; but under the rule proposed for our adoption that committee, so far as I believe or desire, never will report the bill for reference to another committee. The only course left open to the bill under this amendment will be its passage under a suspension of the rules.

I have desired the House to understand that the passage of the bill in the manner described has been oftentimes the result of necessity, a necessity enforced by a condition of the rules secured by members entertaining a hostile spirit toward that bill, thus forcing the very issue they themselves desired to avert and avoid. And I predict that the extreme antagonism manifested here toward the river and harbor bill will again fail to be productive of good results.

Mr. McLANE. May I interrupt the gentleman to ask him a question?

Mr. KENNA. Certainly.

Mr. McLANE. I want to call the attention of the gentleman from West Virginia to the point that the Committee on Commerce, and the amendments proposed by the chairman of that committee for the consideration of this House, not only have no reference to the mode of passing the bill, but he disclaims all purpose of asking a suspension of the rules; that he distinctly stated to this House that the rules, the old and the new rules, permit this House to pass the bill under a suspension of the rules or not, as the House pleases, but for himself he did not propose to pass the bill under a suspension of the rules.

Mr. KENNA. I understand it to be a fact that the chairman of the committee has indicated a desire in that direction, but on that subject I must say, so far as I am concerned individually, I desire to make no committal whatever. I prefer to adapt my action to the occasion that may confront me.

Mr. McLANE. That is all right. I wish the gentleman from West Virginia to speak for himself in reference to this subject of suspending the rules.

Mr. KENNA. If the gentleman will pardon me, I have not undertaken to speak for anybody else.

I shall be as willing as any member on this floor, at any time when I believe the time of the House and the circumstances surrounding the subject will justify it, to bring that bill here as any other bill is brought here for consideration in the Committee of the Whole. From my observation in connection with the preparation of the bill, it can as well stand that test as any bill which is passed by Congress.

But if the period of the session shall be advanced, and the time necessary for the preparation of the bill and the condition of the Calendar shall make it necessary for the bill to be brought here and offered under a motion to suspend the rules and passed in that way or not at all, I am unwilling to say that I shall not support its passage, as it has been done heretofore. I should unhesitatingly do so if the bill itself commended itself to my support. I can see no reason, for the life of me, why it is not as proper and right that I shall vote for a bill that I want passed under a suspension of the rules as readily as in any other way. If I am for it, I am for it, and I will vote accordingly. How much time have I left?

The CHAIRMAN. The gentleman has forty minutes of his hour remaining.

Mr KENNA. I yield five minutes to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. One would think, Mr. Chairman, from hearing the remarks of my friend from North Carolina, [Mr. SCALES,] and perhaps of other gentlemen on this floor, that it was the rule of this House only to pass upon measures after mature deliberation and free discussion. I imagine that that is a grave mistake. The legislation in this House is carried through under the operation of the previous question, saving alone appropriation bills. Every gentleman knows very well how foolish it is to attempt to withstand the chairman of a committee when he comes into the House and says he is ordered by his committee to call the previous question on a measure. The thumb-screws are put on, and every one of us has to vote with the best light he can, but without any discussion.

What is the difference between that sort of legislation and permitting a gentleman, on his own responsibility, to answer to his constituents to vote for suspending the rules? My objection to suspending the rules arises from the fact that a gentleman has not the opportunity to inform himself how he should vote on a question. We see how it is on "wash-day," as it is called, when, on every Monday, political party questions are submitted, when party lines are to be defined, when party traps are to be set, one party trying to catch another, we are compelled to vote under the rule on measures without knowing anything about the measures we are called to vote upon. On a matter of appropriation, and that alone, as it has to go generally to the Committee of the Whole, we have the exalted privilege of a five-minute debate, and then we must vote. But what happens if we offer an amendment? Let any man endeavor to antagonize his party and offer an amendment; let him have the temerity to suppose a committee of this House is even fallible on a question it has reported, and soon he hears the crack of the party whip, soon he sees the chairman and other members of the committee going around and calling the party to whip down the revolutionary spirit that has arisen in the ranks. If he dares to question the infallibility of the committee that has made the report, what is the result? He is voted down. His party all sustain the report of the committee. What, then, is the use of the discussion? What is the use, under such circumstances, of mocking a man with the right to offer an amendment when it is impracticable for him to have it ingrafted on a bill, no matter how much it may be required by the interests of his constituents.

We are told about the great error of passing improvident legislation. Some gentlemen appear to arrogate to themselves the right to call a two-thirds majority of the House to its bar and to lecture them about improprieties in legislation. I beg gentlemen to remember that so far as I am concerned I recognize but one tribunal in this country as having jurisdiction to call me to account for any improprieties I may commit on this floor. I answer to my constituents, and to them alone, and no gentleman, I care not what may be his influence, has a right to charge me with being guilty of improvident legislation. If he is disposed to do so he arrogates to himself a power that does not belong to him.

Mr. KENNA. I yield five minutes of my time to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I sympathize very much in the view of the gentleman from North Carolina [Mr. SCALES] when he expresses the wish that this House may be enabled to consider the river and harbor bill, and any other bill appropriating large sums of money, in Committee of the Whole, where it would be subject to free debate and amendment. I expressed as much in the opening remarks I made on this subject, and I understand why it is that gentlemen should urge a special exception to the general rule on the subject and insist that this particular bill should be acted upon in the Committee of the Whole. That no doubt results from the practice of the House for a number of years past in suspending the rules and passing this bill.

That practice has called attention to this matter; the large amount of money involved in these appropriations has called attention to it; the various interests affected by it have called attention to it. Hence I am not surprised that gentlemen have their minds especially directed to something that will compel the placing of this particular bill in the Committee of the Whole. But, while I repeat that I sympathize with that feeling and think that good may result from the bill being required to be considered in Committee of the Whole, I must now express myself, as I did in my opening remarks upon this subject, that I had rather an express rule was not made discriminating against the Committee on Commerce in reporting this particular bill, but that the rule may stand as to reports from this committee as it stands in regard to reports from the Committee on Appropriations and the other committees; that the rules may be suspended if two-thirds have demanded it; or, if one-third of the House thinks it proper, the bill shall be carried into the Committee of the Whole.

I think, as I have already said, that at least good may come from the consideration of a bill like this in Committee of the Whole; good may come in more ways than one. In the first place, that will give this House an opportunity to understand the principles upon which such a bill is made up. In the second place, it will give the House an opportunity to correct errors in the bill itself, and to make it a more perfect bill. And in the next place, it will protect the Committee on Commerce itself. When eleven men, or, as it is now, fifteen men, are charged with the duty of preparing such a bill as this, I recognize the fact that there is much human nature lodged in every breast, and that partiality to local interests can hardly be excluded from human consideration. Therefore it has seemed to me, and I say it so seems to me now, that this bill ought to go to the Committee of the Whole.

I am perfectly willing to say now that if it be the judgment of this House, should we of the Committee on Commerce be charged this session with the duty of reporting such a bill, I would be glad to see it go before the Committee of the Whole for free discussion and amendment. Besides, the committee may by an error of judgment, by accident, or otherwise, be induced to make appropriations which may not be clearly warranted by the spirit of the Constitution. When we get such a bill before the Committee of the Whole members will have an opportunity to consider all such questions, and if we have fallen into the error of attempting to extend our work too far, then this House will correct those errors.

I say this because many gentlemen have expressed their anxiety that there be a special rule requiring that to be done. Now, while I do not desire such a special rule, because it would seem to be invidious, and also, it seems to me, it would be unnecessary, I supplement that statement with the statement that, so far as I as an individual am concerned, I desire to see the river and harbor appropriation bill go before the Committee of the Whole for consideration, and I desire it for many reasons which seem to me to be good.

Mr. KENNA. I now yield ten minutes of my time to the gentleman from Illinois, [Mr. SPARKS,] after which I will yield the remainder of my hour to the gentleman from Ohio, [Mr. WARNER.]

Mr. SPARKS. I had not thought of troubling the House with any remarks of mine upon this subject. My conviction has been that all of these appropriation bills ought to come from one general committee, namely, the Committee on Appropriations. But the Committee on Commerce, for some inscrutable reason, has arrogated to itself the making up and presenting to this House of what is known as the river and harbor appropriation bill. Why it is that that special subject belongs to the Committee on Commerce more than the naval appropriation bill does to the Committee on Naval Affairs, or the Army appropriation bill to the Committee on Military Affairs, or why, in fact, there is as good reason for that appropriation bill to go to that committee as there is that the other bills which I have named should go to those respective committees, I certainly am unable to see. It seems to me that the Committee on Agriculture would have as much right to take charge of the river and harbor bill as the Committee on Commerce.

Mr. REAGAN. If my friend will allow me, and I do not interrupt him too much—

Mr. SPARKS. I have only ten minutes' time.

Mr. REAGAN. I will state one reason which the gentleman will recognize, and it is a reason which I have already stated. It is that the consideration of this bill and the making it up would be a practical impossibility to the Committee on Appropriations, charged with all their other duties. It is nearly impossible for that committee to do that work and at the same time perform the other duties assigned to it.

Mr. SPARKS. I have had a little experience, Mr. Chairman, in the making up of appropriation bills. I cannot see why the Committee on Appropriations cannot just as well make up a bill containing appropriations for the improvement of rivers and harbors as it can any other appropriation bill, and in fact it was originally intended that all of these bills should be prepared and reported by that committee, including the river and harbor. Now, sir, to prepare bills making appropriations for the Army and for the Navy, or any of the other bills, requires much labor and diligent research to obtain necessary information touching the subject to be appropriated for, and I do not see any difference in the method by which information can be obtained with respect to the river and harbor bill. The heads of the Departments supply most of the information necessary for all of these different subjects. It is the business of the Committee on Appropriations to look over not only the estimates sent to them by the Departments, but to satisfy themselves upon the subjects in hand, and from any and all sources to get all the attainable information

needed to thoroughly understand the subject, and not rely upon estimates, which are known to be very imperfect. Why not, therefore, get this information with respect to the river and harbor bill as well as any other subject?

I do not think there is anything in that argument. I do not see any reason for this discrimination, unless, indeed, the Committee on Commerce has something in its composition that makes it peculiarly qualified to perform this business better than any other equal number of gentlemen. Those gentlemen seem to be sensitive about preparing a bill which shall go to the Committee on Appropriations. Sir, the river and harbor bill belongs to the Committee on Appropriations under your rules and under the practice of this House. Why not, therefore, (unless it is deemed best to reform this whole subject,) let it remain in that committee? It is insisted that the character of the work necessary to get up this bill is not adapted to the Appropriations but is peculiarly adapted to the Commerce Committee. I cannot understand that. Why, sir, the Committee on Appropriations will simply have to investigate the subject, prepare and report the bill, and the Committee on Commerce can do no more. Why take it away from the committee and give it in charge of another committee, without you do the same thing with the other bills I have mentioned? I can see no reason in this.

But, sir, I do not care to discuss that matter further. I have thought that some general provision might possibly be advantageously made which would allow all appropriation bills to be matured by the committees charged with the repective subjects committed te them, namely: the naval appropriation bill by the Committee on Naval Affairs; the Army appropriation bill by the Committee on Military Affairs; the Indian bill by the Indian Committee; the postal bill by the Post-Office and Post-Roads Committee, &c., and, if you please, the Committee on Commerce prepare the river and harbor appropriation bill, and then have all those bills referred to the Committee on Appropriations, which committee, having the estimated aggregate expenditures and the estimated aggregate receipts before them, can cut their garment according to their cloth. I have thought that such a rule as this might be really beneficial in our legislation. But I care little about it, for the present rule on that subject has been tried, and has worked reasonably well, while a change would necessarily involve an experiment.

But this discussion has gone beyond all that; and it was of this I wanted to speak a moment. I have sat here and heard gentlemen insinuate that members who have opposed these river and harbor bills have been demagoging. I have seen these bills go through this House and become laws, when, in my judgment, three-quarters of the money appropriated by them might just as well have been sunk in the bottom of the sea. That is "my opinion," as the gentleman from Indiana [Mr. BROWNE] stated the other day. Bills of this kind making appropriations of over $8,000,000 have been passed through this House, under suspension of the rules, without discussion and without the privilege of amending them.

Now, sir, I would like by some amendment of the rules to change this wild, reckless manner of legislating on a subject that involves so much of interest to the people, and from whom such large sums of money are thus extravagantly taken.

I do not charge these honorable gentlemen with combination; but I want to state a fact that is patent to every member of this House, and that is that "combinations" are easily formed upon a bill of this kind. You get [turning to Mr. SINGLETON, of Illinois] $50,000 for Duck Creek in your region, and you vote for the whole bill. Another member gets $100,000 for Elk Creek, and he votes for the whole bill.

Mr. SINGLETON, of Illinois. If I live on Duck Creek am I not a better judge of the wants of that stream than men who live in a remote part of the country?

Mr. SPARKS. But if Duck Creek properly requires an appropriation of $50,000, it does not follow that Elk Creek should have $100,000; and yet under the combination you must and do vote for the whole bill. I am not charging any gentleman with wrong. I am simply stating a fact within the knowledge of every member of the House—that bills have gone through this House appropriating millions of dollars upon that principle.

Here is my friend from Louisiana, [Mr. ROBERTSON.] He wants to improve the Mississippi River. I believe that $25,000,000 could be appropriated for that purpose at this hour with benefit to the whole country. I am willing to vote such an appropriation, but I do not want to appropriate money for the Kiskiminetas, or the Wicomico, or Conemaugh, or Acquia Creek, and every other little stream or moist piece of ground extending from some man's house down to the river adjacent.

Under this system a bill is presented here, to be voted upon under a suspension of the rules, embracing appropriations differing vastly in merit—some which ought to be made and some which clearly ought not; and the bill not being subject to amendment nor even discussion, members are called upon to vote for or against it as a whole. Now, I may be desirous to vote millions of money for improvements which I think ought to be made—such as improvements of the great arteries of commerce; but if I vote for these appropriations, I must also vote to spend millions uselessly on these little creeks. Now, sir, I will not do this and ought not to be called upon to do it. These measures ought to be presented in such shape that a member can put himself on record against those things which he conceives to be great wrongs, and at the same time have a chance to vote for appropriations which he believes to be right.

Yet when we oppose these measures after they come from the Committee of Commerce, who arrogate to themselves the reporting of these bills, we are charged with demagoging. I beg members to scrutinize a list which will be presented of the vast sums appropriated in this way in these bills. So much is appropriated for this creek and so much for the other, and you will find that the larger portion of this money is for these minor streams. The State of West Virginia has received one million and a quarter of dollars in the way of appropriations for little streams. The great State of Illinois has not received one-tenth of that sum, yet we pay a much larger amount in the way of taxes than West Virginia does.

Mr. KENNA. Allow me to ask the gentleman what is his familiarity with West Virginia streams?

Mr. SPARKS. I stated the amount appropriated for streams in West Virginia to be about $1,250,000.

Mr. KENNA. I am not talking about the amount, but as to the gentleman's knowledge of what he is pleased to call the "little streams of West Virginia."

Mr. SPARKS. I thought the gentleman was asking as to the amount; and I stated that $1,250,000 had been appropriated for streams in West Virginia.

Mr. KENNA. As to the amount, I think the gentleman is correct; but as to the character of the streams, I believe he is incorrect.

Mr. SPARKS. At any rate, then, I have stated the amount correctly. Now, the gentleman thinks that we ought to appropriate millions of the people's money for those streams. I am one of those old-fashioned democrats who do not believe in that doctrine. I do not think we ought to improve the road to every man's house and the creek that passes by his door. I think, in other words, Mr. Chairman, [Mr. CARLISLE,] as you expressed it here once, that we ought not to macadamize the beds of these little creeks. I do not think we ought to have appropriated $1,150,000 for the streams of West Virginia.

I think it is a great injustice that we should be called upon either to vote for such appropriations or to vote against the improvement of our great inland sea, the Mississippi River. I want to vote a proper appropriation for this object. I know that improvements on this great river ought to be made; that the people demand it. But when I am called upon to vote for it, I find it incorporated in a bill with other appropriations aggregating a vast amount, three-quarters of which, in my opinion, ought not to be appropriated, and I cannot vote for it.

And I must therefore be placed on the record in voting against the improvement of what has been properly denominated the great "inland sea" of the continent. Gentlemen say we must take the bitter with the sweet in these combinations. They are formed for that very purpose. One man is to get his share and another his, and so on through all those who are interested in the bill. I do not want my share. I do not think it is right to get it by that kind of bargain and sale. I do not think it is right to pass these bills in that way, but do think we should bring them in and have them fully considered in Committee of the Whole, so we might vote for such as we want to vote for and against those we ought to vote against.

I yield the balance of my time to the gentleman from Ohio.

Mr. WARNER. Mr. Chairman, I did not expect to occupy any time of the committee in discussing the rules, but I rose a few moments ago to ask my friend from North Carolina a question affecting the practical working of the rule in question as reported by the Committee on Rules. The Committee on Commerce, we will suppose, has had under consideration the matter of rivers and harbors and has decided on an appropriation of $7,000,000, to be distributed among two hundred different works. They have spent weeks, and perhaps months, in investigating these several works, in ascertaining what will be required to finish certain works and to carry on others, as recommended by engineers in charge. They report their bill to the Committee on Appropriations, and that committee says there ought to be only five millions appropriated. Now, how will the Appropriations Committee distribute their five millions? Will it go to work and spend weeks and months, perhaps, as the Commerce Committee has, to determine how it ought to be appropriated or how it ought to be distributed, or will it simply cut the appropriations down *pro rata* 30 per cent. If so, then works that were intended to be completed under the recommendation of the Committee on Commerce would be only two-thirds or three-quarters completed under the recommendation of the Committee on Appropriations, and would be required to go over another year, adding expense and incurring, perhaps, loss, if not endangering the whole work.

While on the floor, Mr. Chairman, I will add that in the discussion of this question the objections raised have all seemed to turn upon the idea that some impediment, some obstruction other than the will of this House, is necessary in order to prevent extravagant appropriations for our rivers and harbors. I desire to ask attention for a moment to this point. We were informed by the gentleman from Texas at the outset of this debate that we have appropriated from the foundation of our Government down to this time about $75,000,000 for all our rivers and harbors. Now, we have some thousands of miles of sea-coast line, thousands of miles of lake and river boundaries, and tens of thousands of miles of rivers navigated by steam; and there

have been appropriated from the discovery of the continent until now $75,000,000 for the improvement of this vast extent of coast-line and rivers; and gentlemen call that extravagance!

Why, Mr. Chairman, there is one building in this District which, when it is completed, will cost almost one-fifth of that entire sum. The construction of such a building is an expenditure. It may be a beautiful structure, an ornament and all that, and it may serve to shelter grandly a thousand or two clerks, but it does not in turn create any new wealth. On the other hand, the people of this country have appropriated in a single generation between four thousand and five thousand millions of dollars to construct iron highways, and they spend every year from one to two hundred millions to improve them. What has been the result of that kind of improvement—of that sort of expenditure? Why, it has enabled us to produce and distribute within the United States $7,000,000,000 of products annually. Could we do this without the railroad system, created at so great a cost? Surely not. We could hardly produce and distribute five thousand millions. This expenditure, then, enables us, the people of this country, to increase the products of the United States by not less than two thousand millions' worth of products per annum, more than would be possible without this expenditure and these improvements. In other words, new powers, new economic forces have been created which add to the national wealth not less than two thousand millions a year.

Ten millions of dollars, Mr. Chairman, would make the Ohio River, I believe, navigable for ten months in the year, from Pittsburgh to Louisville. Ten millions thus expended to make that great river navigable ten months in the year would cheapen transportation probably 25 per cent. or more. That again would be equivalent to adding two or three millions per annum, if not more than that, to our national wealth. The expenditure of money, then, in a way to create new forces, which in turn go to work to re-create wealth, is quite different from the ap propriation and expenditure of money for purposes which are mere outlays, like the erection of costly buildings for instance.

Therefore I think we should rather reproach ourselves with having followed a policy penny wise and pound foolish in having spent but $75,000,000 in a century on our thousands of miles of water highways and our coast lines than complain of extravagance. To spend ten millions in the improvement of thousands of miles of river highways is not extravagant when twenty times that is required and expended to improve our railway system. Railways are owned, it is true, by private corporations. Rivers are not so owned, and, I am glad, cannot be, and we must look to Congress for a wise expenditure for their improvement. The highest interests of the country demand it, and it will pay. If, therefore, it is the object of those who oppose the independent action of the committee having this work in charge to defeat appropriations for such internal improvements, then I am opposed to the proposed change in the rules which gives supervisory power to the Appropriations Committee. I am in favor of such judicious expenditure in this way as will tend to increase production and cheapen the distribution of wealth.

On one other point permit me to say a word. I am in favor of full and free discussion of all appropriation bills in this House, and I am not in favor of stifling debate on any matter of importance. I am in favor of discussiong these appropriation bills when they come to us from the Committee on Commerce or from any other committee; but I do not see the necessity of a reference of bills matured by arduous labor and much time in the Committee on Commerce to the Committee on Appropriations before they can be reported to this House; and because that plan is intended to obstruct legislation, and, as I believe, discussion too, I oppose it.

I move that the committee rise.

Mr. ACKLEN obtained the floor, and yielded to Mr. BLACKBURN, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules revising the rules of the House, and had come to no resolution thereo .

JANUARY 20, 1880.

REVISION OF THE RULES.

The question recurred upon the motion of Mr. BLACKBURN, that the House resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Rules.

Mr. HUNTON. I move that all general debate on that report shall terminate with to-morrow's session of the House.

Mr. OSCAR TURNER. I desire to make a remark to the gentleman from Virginia, [Mr. HUNTON,] and also to the gentleman having charge of the report of the Committee on Rules, [Mr. BLACKBURN.] That report contains no provision defining the jurisdiction of the Committee on the Levees and Improvement of the Mississippi River. That committee claims the right to have one hour to assert its jurisdiction and to have the House pass upon that question.

Mr. BLACKBURN. The gentleman from Kentucky [Mr. OSCAR TURNER] is mistaken in one respect. The Committee on Mississippi Levees have communicated with the Committee on Rules and indicated a desire for two hours instead of one. Further than that, the gentleman from Kentucky is not altogether accurate. The Committee on Rules have not left open anything concerning that or any other committee, except as it stands open to-day in the rules of the House. The report of the Committee on Rules leaves the Committee on the Mississippi Levees precisely where the present existing rules leave that committee, without any definition of their duties at all. It is altogether proper that that committee should be heard.

Mr. OSCAR TURNER. I understand that the motion of the gentleman from Virginia, [Mr. HUNTON,] if adopted, will cut off the Committee on the Mississippi Levees after to-morrow.

Mr. ROBERTSON. If the motion of the gentleman from Virginia shall prevail, will our Committee on Mississippi Levees be cut off from discussing this question?

Mr. OSCAR TURNER. I will say that I do not desire to discuss the question at all. I was speaking merely in behalf of the gentleman from Mississippi, General CHALMERS, who has been selected by the Committee on Mississippi Levees to present their views to the House in regard to what ought to be the jurisdiction of that committee. He is absent from the Hall at this time, having no idea that any proposition would be made to cut off the general debate.

Mr. BLACKBURN. In answer to the gentleman from Louisiana [Mr. ROBERTSON] I will reply that I cannot say whether the adoption of the motion of the gentleman from Virginia, [Mr. HUNTON,] to close all general debate on the report of the Committee on Rules after to-morrow's session, would or would not afford an opportunity for the Committee on Mississippi Levees to be heard at such length as it has indicated a desire to be heard. The House will remember that the Committee on Rules have not been heard in all the days of general debate that has taken place. I take it that it will be the pleasure of the House to hear that committee on the subject of their own work.

Mr. ROBERTSON. I believe that when the gentleman from Kentucky [Mr. BLACKBURN] presented to the House the report of the Committee on Rules, he stated that it was not the desire of that committee to curtail the debate upon their report, or upon any question that might arise in connection with it; that he wanted the freest and fullest expression of opinion from all the members of this House, and that every member who desired to speak on the question should have an opportunity to do so.

Mr. BLACKBURN. Every word of which I reiterate now.

Mr. ROBERTSON. I would state that the committee over which I have the honor to preside, the Committee on Levees and Improvement of the Mississippi River, have instructed a member of that committee, the gentleman from Mississippi, [Mr. CHALMERS,] to report for consideration two very important amendments of the system of rules which has been presented to this House in the report of the Committee on Rules. One of those amendments includes an extension of the jurisdiction of the Committee on Levees and Improvements of the Mississippi River, so as to enable that committee to take into consideration not only questions in regard to the improvement of the navigation of the Mississippi River, but also the improvement of the tributaries of that river. That amendment is now in charge of the gentleman from Mississippi, and we have informed the chairman of the Committee of the Whole that we shall desire two hours for the discussion of the question.

The Committee on Commerce, I believe, has been fully heard upon the question of the conflict of jurisdiction between that committee and the Committee on Appropriations. The Committee on Railroads and Canals have been heard. The Committee on Appropriations will doubtless be heard. The Committee on Levees and Improvement of the Mississippi River desires to be heard on the question of the jurisdiction of that committee. We desire to present to this House, through the gentleman from Mississippi, and others who may wish to speak, the reasons why we ask the extension of the jurisdiction of that committee.

As the question now stands, as truly stated by the gentleman from Kentucky, [Mr. OSCAR TURNER,] the duties of that committee have not been defined at all. The gentleman from Kentucky in charge of the report [Mr. BLACKBURN] states as a reason that no rule of the House now exists defining the jurisdiction of that committee. That is the situation of four other committees of this House. Under the present rule there are five committees whose duties are not defined. The Committee on Rules undertake to define the duties of four of those committees, the duties of which had not before been defined by any rule of the House. But in the case of the Committee on Mississippi Levees, the Committee on Rules have left the matter just as it now stands.

The Committee on Rules have gone further. By a resolution unanimously adopted by this House, the number of the members of the Committee on Levees and Improvement of the Mississippi River was increased to thirteen. The Committee on Rules in their report propose to reduce the number of the members of that committee from thirteen to eleven. We desire, therefore, to be heard fully on this question, particularly upon the extent of the jurisdiction of our committee.

The SPEAKER *pro tempore* (Mr. COX.) The question is on the

motion of the gentleman from Virginia, that all general debate upon the report of the Committee on Rules be closed after to-morrow's session.

Mr. ROBERTSON. I hope that motion will not prevail. I think it nothing but right that our committee should be heard, particularly as it seems there has been an invidious distinction made against the committee. The Committee on Rules has defined the powers and duties of four other committees whose duties have not been heretofore defined, while they have failed to define the duties of this committee. We desire, therefore, to be heard on the question; and if this debate be closed to-morrow we shall have no opportunity whatever to be heard.

Mr. BAYNE. The Committee on the Mississippi Levees and the improvement of that river has not, I believe, advocated or opposed the adoption of these rules in any respect as yet; that committee has not been heard from at all. Time has been given to various members of the House to express their individual views regarding the new rules; and this committee simply claims the privilege of putting forward one of its members as its representative to express its views respecting these new rules. The importance of the functions of this committee cannot well be overrated. Large amounts of money are expended upon its reports; it suggests various measures affecting the commerce of the whole country. Its importance in the administration of the affairs of this House, in the management of the commercial and navigable rivers of the country, can be questioned by no one. Hence when it asks the simple privilege that one of its members shall speak for it on this floor, it seems to me but fair and right that a committee of such importance should be granted a hearing.

Mr. BLACKBURN. That is agreed to.

Mr. BAYNE. But assurance is not given, if I understand the gentleman from Kentucky, that the hour proposed to be assigned to this committee will be certain.

Mr. BLACKBURN. Yes, sir; I guarantee that the committee shall have the hour, and have it to-day.

Mr. KING. But we are not prepared to-day.

Mr. BAYNE. The gentleman from Mississippi [Mr. CHALMERS] who was to represent the committee is not present to-day. He has prepared himself for the purpose of advocating the views of our committee; and no other member, so far as I know, has made such preparation.

Mr. HUNTON. I move the previous question on my motion.

The SPEAKER *pro tempore*. Upon the motion that after the session of to-morrow all general debate on the report of the Committee on Rules be closed the gentleman from Virginia calls the previous question.

Mr. BAYNE. I hope the motion of the gentleman from Virginia will be voted down, if assurance cannot be given that our committee will be heard.

Mr. CONGER. In order to test this question by a direct vote, I move to lay the motion on the table.

Mr. HUNTON. I submit that the motion to lay on the table is not in order.

The SPEAKER *pro tempore*. Does the gentleman from Michigan move to lay on the table the motion to close debate?

Mr. CONGER. Yes, sir.

The SPEAKER *pro tempore*. That is in order.

Mr. HUNTON. I demanded the previous question on my motion when there was no one on the floor.

The SPEAKER *pro tempore*. It is always in order to make a motion to lay on the table.

Mr. HUNTON. The motion to lay on the table was not made until after my demand for the previous question.

The SPEAKER *pro tempore*. The Clerk will read Rule 42.

The Clerk read as follows:

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

The SPEAKER *pro tempore*. The gentleman from Virginia must see from the reading of this rule that the motion to lay on the table takes precedence of the demand for the previous question.

Mr. HUNTON. The gentleman from Virginia does not see it.

The SPEAKER *pro tempore*. Nevertheless it is the fact.

Mr. HUNTON. I submit, of course, to the ruling of the Chair.

The question being taken on the motion to lay on the table, it was agreed to, there being—ayes 83, noes 42.

The question then recurring on the motion of Mr. BLACKBURN, that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the report of the Committee on Rules, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the report of the Committee on Rules.

Mr. ACKLEN. Mr. Chairman, I hold in my hand the report of the Committee on Rules. It gives unmistakable evidence of great care and attention. The gentlemen who compose that committee stand high in the esteem and confidence of this House, and if they have made some errors, committed some mistakes, as I think their report will disclose and this House will conclude, yet such conclusion will cast no unfavorable reflection on the result of their labors. They are human, like the rest of us, and we are all liable to err.

When I reflect on the individual ability and intellect of the gentlemen composing that committee, and their long terms of service in this House, it is with extreme diffidence that I venture to criticise the result of their labors. If this House shall conclude to adopt the report of the committee as a whole, I shall humbly and cheerfully bow to such a decision. However much I might regret, as a member of the Committee on Commerce, to submit my work to the revision of another committee of this House, yet I shall cheerfully agree to whatever decision the majority of this House may arrive at. For that the majority shall rule is the great underlying principle of the republican instituions of our country, and I shall not at this late date attempt to gainsay its correctness.

Before calling the attention of the House to that part of Rule XI which requires the Committee on Commerce to report the river and harbor bill to the Committee on Appropriations, I desire first to call the attention of the members of this House, even at the risk of being tedious, to some of the other rules which have been reported. In my humble judgment Rule I should have been placed in the order of Rule II; in other words, it should have followed, and not preceded that rule. It appears to me that the election of officers is a matter which more appropriately precedes the definition of their duties; but it is not to that mere matter of form I desire to call the attention of members. They will observe that clause 6 of Rule I, referring to the duties of the Speaker, reads as follows:

6. He shall not be required to vote in ordinary legislative proceedings, except in case of a tie, or where his vote, if given with the minority, would make a tie, or will make or prevent a two-thirds vote where such vote is required, or when the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

Now, particularly I desire to call the attention of members to these words: "He shall not be required to vote in ordinary legislative proceedings." Why "ordinary?" Are there any extraordinary proceedings in this House which would render it unnecessary for the Speaker to comply with the following two provisions of the rule, namely: to vote in case of a tie, or in case of vote by ballot, or where his vote given to the minority would make a tie? Then clearly such word is unnecessary and would simply tend to confusion in the construction of the rule.

And why legislative proceedings? If there are no proceedings in this House which are not legislative proceedings, then clearly the word is superfluous, but if there are, then there is double reason for striking it out.

But in order that no misconstruction can be possibly placed on this sixth clause of the first rule as reported by the committee, I have drafted a substitute which, I think, will not be open to the rather forced construction which some members might in the furture be inclined to put on it; and I ask that the Clerk will read it.

The Clerk read as follows:

Substitute for clause 6 of Rule I:

"The Speaker has the right but shall not be required to vote in proceedings before the House except in the case of a tie or where the House is engaged in voting by ballot.

"Should the Speaker vote with the minority and thereby make a tie, the question shall be deemed lost. Should the Speaker vote to make or to prevent a two-thirds vote, where such vote is required, the question shall be deemed carried or lost as the case may be."

Mr. ACKLEN. Now, Mr. Chairman, it will be observed that the substitute which I have drafted and offered does not change the true intent of the rule, and, in my judgement, prevents any forced construction unfavorable to its true intention.

RULE IV.

In Rule IV, clause 3, which reads as follows:

3. He shall give bond to the United States, with sureties to be approved by the Speaker, in the sum of $50,000, for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof, and no member of Congress shall be approved as such surety—

I would suggest, in the last line, "and no Senator or member of the House shall be approved as surety."

This refers to the bond to be given by the Sergeant-at-Arms; and I think it better that we should have none of our officers under any obligation to gentlemen at the other end of the Capitol.

I will pass over that portion of Rule XI referring to the Committee on Commerce, and requiring them to report the river and harbor bill to the Committee on Appropriations, until the close of my remarks.

RULE XV.

I now come to Rule XV of the House and I propose in this connection the addition of a third clause, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

That when members who are present fail or refuse to vote on any proposition before the House, when their names are called, thereby breaking a quorum, it shall be the duty of the Clerk to count those present not voting as having voted in the negative, and to declare them [illegible] to the House; and the proposition shall be deemed carried or lost, as the [illegible].

Mr. ACKLEN. I shall offer that in no partisan spirit whatever; but, after our experience in the extra session of this present Congress, I think it will strike any fair-minded, candid man in this House that we should adopt some rule that will prevent, when a measure is violently advocated and strongly opposed, a minority of the House through parliamentary legerdemain in obstructing necessary legislation. It is impossible if we carry out, or if any body of men attempt to carry out, the practices which were adopted in the first session of this present Congress, for the country not to suffer. Needed legislation is certain to be obstructed by such tactics. I think it will be far better when a minority of this House shall have decided to their own satisfaction that the measure supported and advocated by a majority of the House is wrong and unconstitutional to place their opposition on record, and not impede and obstruct legislation, but remit the whole question to the people, who in the present day of a free press have a most favorable opportunity to judge of the propriety of measures pending before Congress.

RULE XVI.

In Rule XVI, clause 4, we find provided a number of motions which are defined "shall have precedence in the foregoing order." Clause 4 reads as follows:

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lie on the table, for the previous question, (which motions shall be decided without debate,) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

Mr. ROBESON. Will the gentleman permit me to ask him a question upon the subject-matter he has just read?

Mr. ACKLEN. Certainly.

Mr. ROBESON. I find in the fifth section of the Constitution of the United States this provision:

Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

Now, do I understand the gentleman to say that there can be under the Constitution of the United States a quorum unless there is a majority present doing business?

Mr. ACKLEN. I certainly did not make that statement——

Mr. ROBESON. If the gentleman will permit me, my proposition is that it is necessary under the Constitution that a majority shall be present doing business before there is a quorum of any kind, and no rule can make it otherwise.

Mr. ACKLEN. In reply to the gentleman from New Jersey I do say, Mr. Chairman, that it is undoubtedly correct as the gentleman has read it, the Constitution provides that each House shall be the judge of the elections, qualifications, and returns of its own members; and just here I would remark that I am very sorry the constitutional privilege and right which is therein provided was not exercised a few days ago in the State of Maine. [Laughter on the republican side.] But it rests with each House before the passage of such rules as it may choose to adopt to govern the presence and the action of its members, and it is clearly within the constitutional power of this House to adopt a rule requiring not only that members may be brought here, and under what conditions and restrictions they shall be brought here, but that if they refuse to vote when they are present and in their seats merely for the purpose of obstructing the legislation of the country it is right, proper, and constitutional that the House should direct the Clerk by such rule as they may choose to adopt to take notice of their presence and report them accordingly.

Mr. ROBESON. If the gentleman will permit me, I think it may be within the province of this House to take such order as they may deem wise and proper to compel her members to do business, but I deny that any clerk or any speaker of any house can make a quorum, unless by some means or other they have a majority present doing business.

Mr. ACKLEN. But the rule looks to that very fact. When a quorum is present it should provide that a minority, under these circumstances, cannot willfully obstruct and impede the legislation of the country by refusing to do what the law of justice and right requires them to do—cast their votes when their names are called.

Mr. FRYE. Will the gentleman permit me to ask him if it has ever struck him that a child may lead a horse to water, but a regiment of men cannot make him drink?

Mr. ACKLEN. Yes; but I would say, Mr. Chairman, that old saw and maxim has been familiar to my ears for a long time, but it would take a very strong child to carry any horse to water if he determined not to go in the first instance. [Laughter.]

I will now proceed, Mr. Chairman, to call the attention of the members of the committee to clause 4 of Rule XVI. We find in that clause that one of the motions provided for is to "*postpone indefinitely.*" Now, to what purpose was this motion adopted by the Committee on Rules? It is entirely obsolete, we rarely ever hear of it, and I doubt whether within the experience of any member of this present body the motion has ever been put upon this floor to postpone indefinitely.

If you wish to take a case as an illustration, I would ask the attention of the House to the case of Charles Clinton, which was discussed in the Committee of the Whole, and I cite this as an illustration of the unmeaning action of the committee in continuing this rule in its present form. The Committee of the Whole can do but two things in the consideration of a question: report favorably or report unfavorably to the House; and a motion that the committee rise takes precedence of any other motion in the Committee of the Whole. Therefore the motion to postpone indefinitely can have no effect in the Committee of the Whole. Then why should we retain it in the House? When the bill comes back to the House for consideration the friends of the bill, if it has been reported adversely from the Committee of the Whole, would generally desire to take a vote by yeas and nays, or to do as they did the other day, move that the House adjourn. If the bill has been reported adversely, a motion to postpone is not the motion that takes precedence, but a motion to lay on the table. That has the effect of killing the bill. And, therefore, to retain in the fourth section of the sixteenth rule the motion to postpone indefinitely is simply to retain a clause in the rule which is obsolete in practice.

RULE XXI.

Now, in Rule XXI, we have:

1. Bills and joint resolutions introduced for reference and those reported by committees without such introduction, shall be read a first time by their titles and printed, the second time in full.

I think it quite unnecessary to consume the valuable time of this House in the needless reading of bills in full. The old rule provides that bills shall be read twice by their titles unless a reading in full is demanded by any member. This guarantees to the House an opportunity to thoroughly familiarize itself with every provision in the bill; and to require that the bill shall be read a second time in full before it is printed is simply an unnecessary consumption of valuable time. I shall, therefore, move to amend clause 1 of Rule XXI by striking out that provision.

I would also ask what is the reason that the Committee on Rules have required that no private bills shall be printed until they are reported, provided they have been printed previously. If we are to print any private bills, let us print all private bills. So far as my own opinion is concerned, I am clearly of the belief that no private bills should be printed until they are reported to the House for consideration.

I now pass, Mr. Chairman, to one of the most important rules which we have under consideration, that is, clause 3 of Rule XXI. I should not have thought it necessary to occupy the time of the committee to any extent in reference to this rule had it not been for the very violent attack made upon it by the gentleman from Minnesota [Mr. DUNNELL] who unfortunately is not in his seat at the present time. But entertaining as I do a high respect for that gentleman's ability and intellect and knowing the weight that his utterances carry with this House I desire to show into what a slough of error the gentleman fell. I will therefore ask that the Clerk read his remarks on that clause of Rule XXI.

The Clerk read as follows:

It is simply this, that a majority of one committee, composed of eleven or thirteen or fifteen men, the bare majority of that committee may absolutely and completely control the appropriations of Congress itself. It denies to the minority of the committee, it denies to the minority of the House, it denies to the majority of the House and to the whole House the power either to obey the law or to meet public demands. A law says that an examining surgeon shall have one dollar and a half for examining a pensioner. The Committee on Appropriations comes in with a report voted by a majority of that committee, and says that that surgeon shall receive one dollar, and only one dollar.

I use this as an illustration, because in the present session we have seen this actually done in the report which came from the Committee on Appropriations for the payment of pensioners.

Now, this may be carried to any extent. The law says that the President shall receive $50,000 annually as his salary. It is in the power of a mere majority of the Committee on Appropriations to say he shall be paid $25,000; and it is utterly impossible for anybody in the House to change the result which the Committee on Appropriations has arrived at, unless it be to make it still less.

We are here at the mercy of a single committee, putting its strong hand upon and closing our mouths. No man either on the right or on the left of the Speaker can make a motion to increase the amount reported by the committee, not simply to what it ought to be in fact, but up to the point at which the law fixes it.

Mr. ACKLEN. Now, is that true as a matter of fact? I am surprised that the gentleman from Minnesota, who has now come into the Hall and resumed his accustomed seat, could have fallen into such an error in the consideration of clause 3, Rule XXI, as to have made in this House a statement such as the Clerk has just read. The rule provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

But taking the case of the salary of the President of the United States as an example which the gentleman cited, why, if the Appropriations Committee shall cut that salary down to $25,000, it is the right and within the power of any member of the Committee of the Whole to move an amendment that it be restored to what the law authorizes. The bill reported by the Committee on Appropriations does not itself change the law until it shall have passed. And to state to the House that it is within the power of the Committee on Appropriations, irrespective of the rights of the members of this House, to cut down the salary of the President from $50,000 to $25,000, was to fall into an error which I am surprised a gentleman occupying so

high a position in this House as the gentleman from Minnesota could have made.

Now, I would like to call the attention of members to the history of this rule, which is one, perhaps, of the most important of all the rules reported by the committee for the revision of the rules. In the Forty-fourth Congress the honorable gentleman from New York [Mr. COX] reported an amendment to the rules, as follows:

That rule 120 be so amended that after the word "progress" all be stricken out, and there shall be added the following:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The original rule, to which this was an amendment, reported from the Committee on Rules, read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

That rule is just the reverse of the rule which we have under consideration at this time. Its construction has been given in the Manual, or rather in the Digest, and is as follows:

It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

That was the old rule to which from the remarks of the gentleman I imagine he wishes to return. I will now call attention to what was said on that subject by the honorable Speaker of this House, who was then a member of the House. I ask the Clerk to read what I have marked in the RECORD:

The Clerk read as follows:

Mr. RANDALL. The gentleman from Iowa [Mr. Kasson] presents the difficulty that this amendment gives too much power to the Committee on Appropriations. I submit that it only relates to appropriations that entirely pertain to the duties of that committee. I would say in addition that this proposition in no manner cuts off amendment or debate as allowed in Committee of the Whole; so that the objection presented by the gentleman from Iowa cannot exist. Any amendment that is proper in Committee of the Whole must have full and deliberate consideration and discussion.

* * * * * * *

Now, I want to be entirely frank about this matter, and I want to say this: that anything that the Committee on Appropriations do in connection with retrenchment is only in the nature of a recommendation, We must have the judgment upon it of a majority of the House. The majority of the House are alone responsible for the expenditures of money; but if we of the majority present a case requiring a reduction, it requires a vote of more than two-thirds of the House, and unless the other side authorize it it is never in our power to retrench.

Mr. ACKLEN. If there now remains any doubt whatever as to the erroneous position assumed by the gentleman from Minnesota [Mr. DUNNELL] in reference to that rule, I will ask the Clerk to read from the RECORD a ruling directly on that point made by Mr. Potter, of New York, who at the time, in the Forty-fourth Congress, occupied the position of chairman of the Committee of the Whole, while it was engaged in considering the Indian appropriation bill.

The Clerk read as follows:

The Clerk resumed the reading the bill, and read as follows:

"For support of the Tonkawa Indians at Fort Griffin, Texas, $2,000."

Mr. THROCKMORTON. I offer as a substitute for the paragraph just read the amendment which I send to the desk.

The Clerk read as follows:

"That the sum of $2,500 be, and the same is hereby, appropriated for the benefit of the Tonkawa Indians, now at the military post at Fort Griffin, Texas; that the money herein appropriated shall be expended for the benefit of such Indians by the commanding officer at Fort Griffin, under such directions as may be prescribed by the Commissioner of Indian Affairs: *Provided*, That no part of such fund shall be applied to the removal of said Indians from the vicinity of such military post to any Indian reservation: *And provided further*, That such appropriation shall be applied *pro rata* to such Lipan Indians as may have heretofore been incorporated into the Tonkawa tribe, and which still reside with such tribe."

Mr. SPARKS. I make the point of order on that amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. SPARKS. My point of order is that there is an increase of $500 for which there is no law, and it is not in the interest of economy.

Mr. THROCKMORTON. Before the gentleman makes the point of order, I ask that he will at least hear me while I state the reasons why I offer the amendment.

Mr SPARKS. I am willing to hear the gentleman, of course.

The CHAIRMAN. The Chair overrules the point of order. The bill makes a distinct appropriation for the Tonkawa Indians. This amendment increases that particular appropriation. If there be any law authorizing this appropriation at all, it is in order for the committee to now increase it.

Mr. ACKLEN. I should not have felt it necessary to have occupied to so great an extent the time of this committee had it not been for the statements which the gentleman from Minnesota [Mr. DUNNELL] saw fit to make in regard to this portion of Rule XXI. The ruling which the Clerk has just read settles the question beyond all dispute.

I wish now to say, since I have been forced to disagree with the gentleman, that on two other points in connection with the consideration of private bills in this House I most heartily concur with him. I think that a rule which permits a majority of this House to do away with the consideration of private business on a day which should be consecrated, I might almost say, to private business—that is, Friday—is entirely wrong. I think the rule should be so framed as to require a vote of two-thirds of this House to proceed to the consideration of public business on a day which should be devoted solely to the consideration of private business. If we are not to establish a court for the consideration of the claims of the citizens of the United States, then in the name of justice let us at least give them a fair hearing in this House.

RULE XXII.

Clause 2 of this rule, which reads as follows:

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented—

I think is wrong. It provides that a petition which has been misdirected by a member of this House shall be permitted to go to some other committee solely by the direction of the committee that chances to have possession of it. I am of the opinion that the petition should be returned to the House, and that it should be for the House alone to decide to what committee that petition should be referred.

RULE XXIII.

In regard to clause 3 of Rule XXIII, I desire to call the attention of members for a few moments to an amendment proposed by the honorable gentlemen from Kentucky, [Mr. OSCAR TURNER.] I ask the Clerk to read the proposed amendment, with the remarks of Mr. TURNER upon it.

The Clerk read as follows:

Mr. Chairman, there is one other amendment which I desire to offer about which there may be some contrariety of opinion. In regard to the other I think there will be none. Clause 3 of Rule XXIII, as embraced in this revision, provides that—

"All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced."

That is very good so far as it goes; but I would like to add, "and upon all such bills, motions, or propositions, the yeas and nays shall be taken in the House upon their final passage, and they must be voted for by a majority of all the members elected, and the vote entered on the Journal."

Mr. ACKLEN. I hardly think the gentleman from Kentucky, at the time he made that suggestion to this House, took into consideration the fact that we have here hundreds of bills making appropriations of different amounts, all of which would come under the sweeping provisions of his amendment. From an examination which I have made I ascertain that upward of one thousand bills in the Forty-fifth Congress would come under the provisions of his amendment. It takes about half an hour to call the yeas and nays; so that to take the yeas and nays on these one thousand bills would occupy five hundred hours. Now we all know that we have daily about three hours and a half for the business of legislation, excluding the morning hour; so that this calling of the yeas and nays would occupy one hundred and forty-three legislative days; in other words, over six months would be actually consumed in calling the yeas and nays. It is unnecessary for me to say that this would not be in the interest of economy; and it would tend very greatly to obstruct the legislation of this House. I therefore dismiss the suggestion without further remark.

In clause 4 of the same rule, which reads as follows:

4. In Committee of the Whole House on the state of the Union the bills on the Calendar shall be taken up in their order, but when objection is made to the consideration of a bill, a majority of the House shall decide without debate whether it shall be disposed of or laid aside for the present—

there is clearly an omission on the part of the committee to insert after the word "bill," in the third line, some provision for deciding whether a measure shall be considered by the Committee of the Whole when objection is raised. The language reads:

But when objection is made to the consideration of a bill—

Where? In the Committee of the Whole—

a majority of the House shall decide whether it shall be disposed of or laid aside for the present.

Clearly here is what might be termed an *hiatus*. What shall be done when an objection is made to the consideration of a bill in the Committee of the Whole? Some provision must be made that the chairman or a member shall be permitted to ask that the committee rise and that the bill be reported back to the House for a decision whether the Committee of the Whole shall take it into consideration or not.

Now, at the close of clause 5 of the same rule, which reads as follows:

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee—

we find a provision that—

Neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Referring back to Rule XIX we see that an amendment may be offered to an amendment, then a substitute may be offered, and finally one amendment will be entertained to the substitute. Under the provisions of clause 5 of Rule XXIII, five minutes' debate is permitted to the member advocating an amendment and five minutes to the member opposing it. It has been the practice and rule of the House to permit formal amendments to be withdrawn; but under the rule as reported by the committee it would be in the power of any member of the Committee of the Whole to object to a formal amendment being withdrawn. Under such circumstances the effect would be clearly to cut off debate at that point. Such was not the intention of the rule. It should be so amended that no amendment shall be withdrawn by the mover thereof *if opposed by the majority of the committee.*

RULE XXXII.

I now desire the attention of members for a few moments to Rule XXXII. This rule provides for the drawing of seats. I send to the Clerk's desk to be read a substitute which at the proper time I shall offer for that rule.

The Clerk read as follows:

SUBSTITUTE FOR RULE XXXII.

The Clerk shall at the commencement of each Congress prepare a list of the members thereof, arranging same in an order to be governed by the number of terms said members may have served. The member who has served the greatest number of terms in Congress shall be placed first on said list, and the others according to their terms of service. Where two or more members have served an equal number of terms, the Clerk shall arrange their names, as also the names of members elected to their first term, in alphabetical order. The Clerk shall then read the names from said list in regular order, commencing with the first, and when a member's name is called he shall be entitled to select his seat.

Mr. ACKLEN. It will be necessary that clause 2 of the same rule should be amended in keeping with what the Clerk has just read. It is as follows:

2. Before said selection shall commence, each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been selected, no proposition for a second selection shall be in order during the same Congress.

I think it would be in the interest of legislation to permit the older members of Congress to have seats where they can conduct legislation more satisfactorily to the country than they possibly can under the rule as it now exists. I have seen old members of this House forced, under the lottery system, to occupy seats at the very rear of of the Hall; so that they would be obliged to swap round with the new members in order to get an eligible place for taking part in the business of the House.

I had very much more to say in connection with several other rules; but as my time is limited I desire only to call the attention of the committee to that portion of the report of Rule XI around which most of the debate has rotated, so to speak.

RULE XI.

There have been three distinct propositions made in connection with this rule; one from the gentleman from Texas, [Mr. REAGAN,] who said:

At the proper time I propose to offer an amendment to Rule XI, striking out the words:

"But they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations."

And I shall move further to amend by inserting after the word "commerce," in the seventh clause of the rule, the following:

"And the Committee on Commerce shall have the same privilege to report all bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting the general appropriation bills."

This is simply the rule of the House as it now stands by the action of this House.

Another by the gentleman from Mississippi, [Mr. HOOKER,] who submitted the following:

Mr. HOOKER. I offer as a substitute for the pending proposition what I send to the desk.

The Clerk read as follows:

"*Resolved*, That the committee to revise and reform the rules of this House be, and they are hereby, instructed to report at an early day an amendment of the rules of the House so as to provide—

"First. That the Committee on Military Affairs shall receive the estimates and report the bills for the annual support of the Army of the United States, and receive the estimates and report the bill for the annual support of the Military Academy at West Point.

"Second. That the Committee on Naval Affairs shall receive the estimates and report the appropriation bills for the annual support of the Navy of the United States.

"Third. That the Committee on Foreign Affairs shall receive the estimates and report the appropriation bill for the maintenance and support of the diplomatic and consular system of the United States.

"Fourth. That the Committee on Indian Affairs shall receive the estimates and report the appropriation bill for carrying out the treaties and obligations of the Government of the United States with the various Indian tribes.

"Fifth. That the Committee on the Post-Office and Post-Roads shall receive the estimates and make the appropriation for support of the Post-Office Department of the Government.

"Sixth. That the Committee on Commerce shall receive the estimates of the Engineer Department and introduce the annual appropriation bill for improvement of rivers and harbors.

"Seventh. That the Committee on Invalid Pensions shall report the appropriation bill for the payment of pensions.

"Eighth. That the Committee on Appropriations shall receive the esitmates and report the appropriations for the legislative, executive, and judicial departments of the Government, and the sundry civil service bill and all deficiency bills.

"Ninth. That the Committee on Public Buildings and Grounds be authorized to report all appropriation bills for such public buildings as the needs of the Government may require."

And lastly, the amendment by the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] which is as follows:

"All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

"1. To the election of members: to the Committee on Elections;

"2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

"3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations:

"4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

"5. To banking and currency: to the Committee on Banking and Currency;

"6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

"7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations;]

"8. To agriculture: to the Committee on Agriculture;

"9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs;

"10. To the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs;

"11. To the naval establishment, other than the appropriations for its support: to the Committee on Naval Affairs;

"12. To the Post-Office and post-roads other than appropriations for their support: to the Committee on the Post-Office and Post-Roads;

"13. To the lands of the United States: to the Committee on the Public Lands;

"14. To the relations of the United States with the Indians and Indian tribes; to the Committee on Indian Affairs;

"15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

"16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals;

"17. To the manufacturing industries: to the Committee on Manufactures;

"18. To the mining interests: to the Committee on Mines and Mining;

"19. To the public buildings and occupied or improved grounds of the United States other than appropriations therefor: to the Committee on Public Buildings and Grounds;

"20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

"21.

to the Committee on Levees and Improvements of the Mississippi River.

"22. To education and labor: to the Committee on Education and Labor;

"23. To the militia of the several States: to the Committee on the Militia,

"24. To patents: to the Committee on Patents;

"25. To the pensions of the civil war: to the Committee on Invalid Pensions;

"26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;

"27. To private and domestic claims and demands whatsoever, other than war claims, against the United States: to the Committee of Claims;

"28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

"29. To private claims to lands: to the Committee on Private Land Claims;

"30. To the District of Columbia: to the Committee on the District of Columbia."

Mr. SHALLENBERGER. I now ask the Clerk to read the amendments which I propose.

The Clerk read as follows:

"RULE XI.

"Clause 3.—Amend clause 3 by adding the words 'And the several appropriation bills, when reported to the House by the committees in which they originate, shall be referred to the Committee on Appropriations to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it and upon its passage.'

"Clause 7.—Amend clause 7 so as to read: 'To commerce: to the Committee on Commerce; and this committee shall receive the estimates and report the annual appropriation bill for the improvement of rivers and harbors for reference to the Committee on Appropriations.'

"Clause 9.—Amend clause 9 by adding the words 'and this committee shall report the consular and diplomatic appropriation bill for reference to the Committee on Appropriations.'

"Clause 10.—Amend clause 10 by striking out the words 'other than appropriations for its support,' and adding to the clause the words 'and this committee shall report the annual appropriation bills for the support of the Army and the Military Academy at West Point, for reference to the Committee on Appropriations.'

"Clause 11.—Amend clause 11 by striking out the words 'other than appropriations for its support,' and adding to the clause the words 'and this committee shall report the annual appropriation bill for the support of the Navy, for reference to the Committee on Appropriations.'

"Clause 12.—Amend clause 12 by striking out the words 'other than appropriations for its support,' and adding the words 'and this committee shall report the annual appropriation bills for the service of the Post-Office Department, and for mail transportation by ocean steamers, for reference to the Committee on Appropriations.'

"Clause 14.—Amend clause 14 by adding the words 'and this committee shall report the annual appropriations for expenses of the Indian Department, and for carrying out the treaties and obligations of the Government with the Indian tribes, for reference to the Committee on Appropriations.'

"Clause 19.—Amend clause 19 by striking out the words 'other than appropriations therefor,' and adding the words 'and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations.'

"Clause 25.—Amend clause 25 by adding the words 'and this committee shall report the annual appropriation bill for the payment of invalid and other pensions, for reference to the Committee on Appropriations.'

"Clause 30.—Amend clause 30 by adding the words 'and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations.'"

I do not propose to discuss at length the merits and demerits of these several amendments, but I submit the following propositions: First, whether the river and harbor bill is properly an exception

to the rule relative to other appropriation bills; secondly, whether any practical good is to be gained by reporting it first to the Committee on Appropriations; and lastly, why the Committee on Appropriations can properly report the other bills, and not the river and harbor bill?

Clause 3 of Rule XXI, which I have already discussed, says:

No appropriation shall be reported in any general appropriation bill, or be offered as an amendment thereto, for any expenditures not previously authorized by law.

Now, the fact is well known to members of the House that the river and harbor bill does appropriate money for improvements which have not been previously authorized by law. Hence, by the very rule which I have read, it is taken out of the strict construction of a general appropriation bill, and stands as an anomaly—a law unto itself—when considered with other appropriation bills. The river and harbor bill may contain provisions appropriating money for objects and public works already in progress. To that extent, and to that extent only, does it come under the provisions of the rule which I have read. I therefore maintain that it is an exception to the general appropriation bills, and there is no force in the position of some members that the river and harbor bill, being an appropriation bill, shall receive from the Committee on Appropriations the same consideration given to other appropriation bills.

Now I proceed to consider whether any practical good is to be gained by reporting this bill first to the Committee on Appropriations.

The Committee on Commerce in the preparation of the river and harbor bill have from eighteen hundred to two thousand closely printed pages of reports of the Engineer Department to read. I have in my desk the last report which has been made, and gentlemen can see for themselves what a volume it makes. It is necessary for members of that committee to read, and carefully read, every report which has been made before they can proceed to the careful and proper preparation of the river and harbor bill. Let the Committee on Commerce report an eight-million-dollar bill to the Committee on Appropriations and that committee may consider it necessary to cut it down $2,000,000; in other words, to scale it 25 per cent. They have not the time, however good their intention may be, to examine in detail each appropriation and see where the money can be properly reduced in amount. On the contrary they will be forced by the very nature of the case to scale all appropriations 25 per cent. That would work very great hardship, and it would be very much against the interests of the country.

Some appropriations are, for instance, on the eve of being completed. There may be a light-house requiring $100,000 which the Committee on Commerce have decided to complete, and they appropriate the money necessary for that purpose. The Committee on Appropriations by scaling all the appropriations 25 per cent. would reduce it to $75,000 and the work would not be completed. In the course of several years the winds and waves, which bide no man's coming or going, will destroy from $25,000 to $50,000 of the work already done. Therefore it must clearly appear to any man who will give this subject his careful consideration that it would be against the interests of the country and the interests of the Government to permit the Committee on Appropriations to scale a river and harbor bill without knowledge of its details, and to acquire a thorough knowledge of its details would require the same time as it does of the Committee on Commerce to prepare the bill.

There is one other question in this case, and that is why the Committee on Appropriations can properly report the other appropriation bills and cannot report the river and harbor appropriation bill. Every appropriation bill presented to this House, with the exception of this anomalous bill I have just mentioned, is authorized by law. The Committee on Military Affairs if they choose to increase the Army make a report to the House; the Committee on Appropriations receive the estimates from the Department and they appropriate accordingly; the Committee on Naval Affairs may do the same thing, and in all these cases the Committee on Appropriations have to deal solely and only with figures and estimates—it costs so much to feed the Army, it costs so much to clothe it. Those are questions of detail which are as well known to the Department as they can possibly be known to any member of the Committee on Military Affairs.

Therefore the preparation of the other bills which are presented by the Committee on Appropriations to this House has nothing more in them than simple addition and subtraction. They have to add up so much, and they have to deduct from that so much, and they appropriate the money accordingly, and report the bill to the House. This is not the case with the river and harbor bill. It cannot be the case with a river and harbor bill from the very nature of the bill itself. Therefore I say it would not be in the interest of the country, it would not be in the interest of the Government, it would not be even in the interest of that much-talked-of economy which is constantly dinned in our ears, I regret to say, by so many members of my own party who seem to think it the acme of statesmanship to sit down on the lid of the Treasury and not let a dollar get out of it. On the contrary, I am an advocate for liberal expenditure always, providing the money is appropriated for laudable purposes.

Mr. HOUK. Mr. Chairman, looking at this question of the rules for the government of the representatives of the people, it seems to me that we, as a legislative body, should seek to adopt that code for our government in the transaction of the people's business that shall conduce to the most practical, expeditious, and judicious disposition of it. And it seems to me, as a new member, looking at what would be and should be the mode of procedure, that the most feasible policy that will enable us to transact the business for which we come here as the representatives of the people would be, so far as may be practicable, to equalize the labors of all the representatives upon this floor by distributing the work to be performed to the various committees in an equal and proper proportion for their consideration. When we look at the code of rules we now have, that by which the House of Representatives has long been governed, it most clearly appears that the original purpose in framing these rules was to distribute the labors of the House among the several committees, that the work which we were sent here to perform may be done in some reasonable time. Under the practice, however, it seems that a small number of committees, not exceeding three, have by some means or other seized upon and appropriated to themselves the powers not only of the various committees but the powers of the House of Representatives itself.

This, however, Mr. Chairman, does not grow out of the letter or the spirit or the purpose of the rules as originally established, and I cannot help but think that if a stranger who had never looked into the rules of the House of Representatives nor informed himself as to the number of committees constituted upon this floor—I say if a stranger had been here without information first acquired, and listened to the debates as they have proceeded on this subject, he would naturally have come to the conclusion that there were but two committees belonging to the House of Representatives, the Committee on Commerce and the Committee on Appropriations. Because, I submit whether nine-tenths of what has been said between these two committees striking and sparring at each other is as to how far the one or the other should be permitted to control the legislation of this body.

A MEMBER. The gentleman forgets the Committee on Manufactures.

Mr. HOUK. I ask pardon of the gentleman from Michigan, [Mr. HORR.] I did forget his committee.

Now, Mr. Chairman, it seems to me in debating these revised rules we should be careful not to incorporate and adopt the idea that has been foreshadowed through the entire debate, that all the work of the House, so far as committees are concerned, is to be confined to these two—the one on Appropriations and the other on Commerce. As I understood the representatives of these two committees, they come here and tell us they are overworked. The representatives of the Committee on Appropriations and of the Committee on Commerce both tell us each of these committees is overworked, and their members have more than they are able to do. If that be so, Mr. Chairman, as a practical legislator I want to submit the question to this House whether it is wise to keep these committees overworked, leaving the vast body of the majority of the committees of the House without anything to do. As was said by the distinguished gentleman from Michigan [Mr. HORR] the other day, his Committee on Manufactures had but one bill in eighteen years, and then another committee had stolen that. [Laughter.]

I ask the Clerk to read Rule 79.

The Clerk read as follows:

RULE 79. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters and things touching the commerce of the United States as shall be presented or shall or may come in question and be referred to them by the House, and to report from time to time their opinion thereon.

Mr. HOUK. In the way of criticism I desire to call the attention of the House. Mr. Chairman, under that rule the Committee on Commerce has jurisdiction of the harbors. It has jurisdiction of all seaports and coastwise commerce. The Committee on Commerce, under that rule, could only seize hold of inland rivers, railroads, and other means of transportation, under the term "commerce," by a very violent misconstruction of the language. Yet, sir, as I understand, and notwithstanding there is still another rule giving to another committee entire jurisdiction over the question of railways and canals and navigable rivers, this Committee on Commerce, not under the letter of the law, and not under its spirit, not by any legitimate intendment, but by forced construction, has taken jurisdiction and assumed to itself to control the entire question of navigable rivers. For the purpose of showing what was the original intention and object of the rule itself I ask the Clerk to read Rule 94.

The Clerk read as follows:

RULE 94. It shall be the duty of the Committee on Railways and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and *the improvement of the navigation of rivers, as shall be presented*, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

Mr. HOUK. I desire to call attention, Mr. Chairman, to the fact that the jurisdiction of the Committee on Railways and Canals is as clearly defined over *the navigable rivers* of the country as its jurisdiction over the question of railways and canals. Yet by some forced construction the Committee on Commerce reaches forth and takes hold of that question of navigable rivers, but has not assumed to take jurisdiction over railways and canals for the reason, I presume, they wish only to take a part at one time and afterward expect to reach out and take hold of and control what is left.

I submit to the House whether under this rule, which has stood here for years, every bill looking to the improvement of the naviga-

ble rivers of the country, taken under the control of the Committee on Commerce, has not been done in violation of this rule and outside of the letter and spirit of the law, and whether it is not really on the part of that committee a usurpation of power. I submit to the members of this House whether that practice hereafter shall continue. For if they, the Committee on Commerce, can take jurisdiction of the navigable rivers under Rule 79, why not of railways and canals? Railways and canals are much more heroic and enlarged methods for facilitating commerce than navigable rivers, and if the word "commerce" is to be so expanded and so enlarged as to embrace navigable rivers, I appeal to the House whether it should not also include railways and canals.

This Committee on Rules has had this question under consideration, and in reference to the report of that committee I am willing to echo every encomium based upon that. That committee takes the same view of this question that I do. They take the same view of the original rule and of the authority of each committee as was taken the other day by the gentleman from Virginia, [Mr. CABELL,] and which I take to-day.

When they come to prepare Rule XI and decide what powers the committee shall have, this wise and good and able committee which has done a great service to this House and the country in preparing the report and the rules they have submitted—this Committee on Rules recognize the law as it now stands, and as it has existed, that the Committee on Railways and Canals has jurisdiction of this question of navigable rivers, and seek to do by the enactment of this Rule XI, clause 16, what the Committee on Commerce has been doing by usurpation for lo these many years. In defining the powers and duties of the Committee on Railways and Canals, in defining what they shall have jurisdiction of, what shall be referred to them, they omit this Rule 94, which I have had read at the Clerk's desk, and substitute therefor this clause:

To railways and canals other than Pacific Railroads: to the Committee on Railways and Canals.

All subjects relating to railways and canals other than Pacific railroads shall be referred to that committee. Now, what I propose, and what I think would be maintaining the original jurisdiction of this committee, keeping the letter of the law as it now is and maintaining its jurisdiction as it formerly was, would be to insert:

To the improvement of the navigation of rivers, and to railways and canals other than Pacific railroads.

Thus leaving with the Committee on Railways and Canals the original jurisdiction that it now holds by virtue of the rule as it stands in the existing rules of the House, and as it has stood for many years.

In this connection I will not occupy the time of the committee in reading Rule 76, or having it read; but I desire to call the attention of the House and of the members of the committee to that Rule 76, defining what shall be the jurisdiction of the Committee on Appropriations as it now exists. There is not a sentence, not a line, not a word, not a letter, that can be tortured into giving the Committee on Appropriations that jurisdiction of the question to which it now seeks to commit this House by the adoption of these new rules as reported; thus taking an entirely new departure, laying down new grounds, reaching out after and taking an entirely new and original jurisdiction on these subjects, and especially the jurisdiction over the river and harbor bill. What seems to me would be more practicable would be to leave the Committee on Commerce its original jurisdiction, which was to look after the harbors and the foreign commerce of the country, that outside commerce that has swollen so largely and is now building up and making this country so great a commercial nation in its trade with the outside world; and to leave to the Committee on Railways and Canals its original jurisdiction, to look after railways and canals inland, and to look after the navigable rivers inland. We would thus more equally divide and distribute the labor, and then the distinguished gentleman from Texas [Mr. REAGAN] will not be coming into this House complaining of being overburdened and overworked with so great a stress of labor. From a tender regard for the gentleman I propose in connection with the other committees of the House to take part of the burden off his shoulders and help him to do part of the work.

Mr. REAGAN. If the gentleman will permit me I will say that I have never complained of the amount of work I have done before the House or anywhere else.

Mr. HOUK. Then I misunderstood the gentleman. I know this, that he has said a great deal about the amount of work devolving on the Committee on Commerce, about the time they devoted to it, and about there being so many thousand pages they had to wade through. But now I want to lighten that burden and to do that gentleman a favor by distributing the labor among the various committees of the House so that every man can come forward and do his portion of the labor, and thus the committees may better transact the business of the people and prepare the legislation that comes before the House. For the presumption is, Mr. Chairman, that we all come here as equals. The presumption is that we are all qualified to discharge the duties for which we were sent here.

Mr. HUMPHREY. That is a violent presumption.

Mr. HOUK. That may be a violent presumption for Wisconsin, but it is not so for all parts of the country. But the presumption is that the representatives of the people are capable of discharging the duties for which the people sent them here. And if that be so, I ask by what system of legislation, by what right should two or three committees seize upon and control the business of this House of Representatives to the exclusion of the voice of the people's representatives, as is done to-day? Every gentleman on this floor knows I utter but a truth when I say that the power is concentrated in these few committees, and that a handful of men can control the legislation of the country and prevent the people's representatives from taking part in it.

Why, Mr. Chairman, in listening to this debate every man is bound to be impressed with this thought: That the idea conceived by the Committee on Rules has been that it would not do to trust any other committee except, singly and alone, the Committee on Appropriations. While that is no doubt an able and a conscientious committee I do not concede that it embodies all the wisdom or virtue of this House. But it seems that the people's representatives are not to be trusted; that the other committees are not to be trusted; that there is some sort of design peering up and presenting itself; that the Committee on Appropriations is set up as a kind of guardian angel here in the House of Representatives to look after the other committees and the people's representatives and see that they do no wrong.

Well, now, Mr. Chairman, whatever may be the fate of these rules, whatever may be the fate of this discussion, I am in favor first of each committee having its rightful powers and jurisdiction restored to it. But under no circumstances, if the various committees cannot have the jurisdiction that rightfully belongs to them—for instance, if the Committee on Railways and Canals cannot retain its jurisdiction over the improvement of navigable rivers, as I insist it should—under no circumstances will I vote to require the Committee on Commerce, if it retains the control of this question, to report to the Committee on Appropriations, because it strikes my mind as a self-evident fact that the committee that makes up this bill knows more about the necessities of the country and the demand for improvements than any appropriations committee to which the bill may be referred, and in the very nature of things only casually and imperfectly considered.

There is another argument made here to which I wish to advert. It is this: it seems to be the desire of some who advocate the proposition that the report of the Committee on Commerce shall be made to the Committee on Appropriations, to place the power in the hands of the Committee on Appropriations, because, forsooth, they are not so friendly to the river and harbor appropriation bills as may be some other committees, the Committee on Commerce for instance. It has struck my mind all through this whole discussion that if this is designed for the purpose of placing the power in the hands of the Committee on Appropriations to stop all improvement of rivers and harbors, it is designed to strike at the real prosperity of the country; because it seems to me that there can be nothing that will contribute to the upbuilding and the advancement and the glory of this country to a greater degree than by extending the means of transportation to meet the increased wants of the growing commerce of the country.

Now, if I had no other reason I should have desired to have spoken upon this subject in order to say, once for all, in this connection that while I do not desire to vote away the people's money for improper purposes, or to squander the money of the people, and while I desire to see it properly applied for honest purposes, yet on every occasion and under all circumstances when the opportunity is presented to build up the commerce of the country by improving the navigation of its rivers and opening up its harbors, so as to increase the means of communication, I will vote for it and hold myself responsible to my constituents for that vote. I am in favor improving every river in the country where it will improve our commerce, and thus increase the prosperity of the people. Money thus expended is a valuable investment, and will return tenfold interest. Let our navigable rivers be improved and open up a way for increased industries.

Mr. HUMPHREY. There is where you agree with Wisconsin again.

Mr. HOUK. I knew that I agreed with Wisconsin in a great many things.

Again, just in this connection, it seems to me that the latter clause of section 3 of Rule XXI, as reported by the Committee on Rules, ought by all means to be stricken out and not adopted by this House. That clause reads:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, to my mind the injustice of that clause consists largely in this: these appropriation bills are made up in committee, and the representatives of the people have no voice in their preparation. It may be that nine-tenths of all the members of this House are in favor of placing upon such a bill some clause that would be for the benefit of their constituents, in the nature of an appropria ion or otherwise. Yet here is a provision that makes it the imperative duty of the presiding officer to rule any such clause out of order. I say it is unjust, anti-republican, and opposed to all the principles of representative government, and smacks more of tyranny than of justice.

I am constrained also to oppose the rule proposed by the gentleman from Louisiana [Mr. ACKLEN] for two or three reasons. As I understand the proposed rule, sent to the Clerk's desk and read as a part

of this code of laws for the government of this House, that gentleman proposes to give the first choice in the drawing of seats to those who happened to have been elected the oftenest. Now, I have great respect for any gentleman whose constituents continue to send him to Congress. It is a strong evidence that he has a lodgment in the minds of the people who vote.

But I was taught, and that was one of the principal reasons why I have had an ambition, for lo these many years, to come to Congress, that when I should get here I would find that the representatives of the people were still Americans, imbued with American ideas and engaged in American practices; in other words, that we all stood upon an exact level of perfect equality so far as nature would allow. But here is a proposition coming from the distinguished gentleman from Louisiana, [Mr. ACKLEN,] that would establish an aristocracy in the House of Representatives. Why, sir, we have heard of the empire; we have heard of the third term; we have heard of the danger of losing republican liberty; yet the first proposition looking to the establishment of an aristocracy in this House comes not from a third-termer at all, but from the other side of the House. The proposition is, that because forsooth some gentlemen are returned to Congress oftener than others they shall have a kind of aristocratic right to be seated wherever they may choose. Now, I am opposed not so particularly to the third term as I am to this principle of erecting an aristocracy in the House of Representatives and placing one member above another, simply because he has been elected oftener.

Mr. ACKLEN. Will the gentleman allow me to ask him a question?

Mr. HOUK. With pleasure.

Mr. ACKLEN. Is it not, as a matter of fact, the rule and the custom for the Speaker of the House to appoint upon the most important committees of the House those members who have served long terms of service in this House?

Mr. HOUK. That may be true, but it is not the rule; it is simply a matter of discretion with the Speaker. Not only as a Representative from his district and a member of this House, but a representative of the American people, he exercises his discretion to select the best material for the best work. I apprehend that there might be some men elected and returned here until they were as old as Methuselah, and they never would be selected for places on the Committee on Appropriations.

Mr. ACKLEN. I will ask the gentleman also if the practice has not obtained of giving to the old members of the House—I do not refer to their age but to their length of service—the best seats or rather the choice of seats? Was not that the original custom of this House of Representatives?

Mr. HOUK. That may be true.

Mr. ACKLEN. And have we not changed to the lottery system, departing from the rule established at the foundation of this Government?

Mr. HOUK. There were a great many things established at the foundation of this Government which time and experience and observation and the wisdom of mature years have developed to be wrong.

Mr. ACKLEN. Yes, the electoral commission for one. [Laughter.]

Mr. HOUK. I was not in favor of the electoral commission myself. I thought the Vice-President ought to count him in and declare him President. [Laughter.] I mean, provided he had the votes.

I will refer to only one other feature of this rule, and then I will yield the floor to my friend from Wisconsin, [Mr. WILLIAMS.] The proposition is that after seniority of service has been taken into consideration, the names shall be arranged alphabetically, commencing with the letter A. Under that arrangement, of course, the gentleman from Louisiana would always have a good seat. But I am opposed to the proposition, because while he would always have a good seat, what would become of poor WILLIAMS and VALENTINE? [Laughter.] They would be thrown on the outskirts.

Mr. ACKLEN. The gentleman from Wisconsin, who has served one term longer than myself, would rank me by probably twenty or thirty seats.

Mr. HOUK. Still the men whose names happen to begin with V or W would fare badly. But, to recast the whole matter for a moment, it does seem to me that as practical men we should try to distribute the labors of this House in such a way among the several committees that all can join in them and in the preparation necessary for the legislation of the country. To equalize these labors is to hasten the business of the people.

I yield the remainder of my time to my friend from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I am obliged to my friend from Tennessee [Mr. HOUK] for his courtesy. I can heartily concur with most of the gentlemen who have spoken in this debate that the Committee on Rules are entitled to great credit for the compilation which they have given us. The arrangement is simple; and the language plain and concise. As I understand the scope of a general debate of this nature it is or should be for the purpose of exchanging views and making general suggestions. My own idea is that hour speeches are altogether too long for such a debate, and that five minutes would be too short. If the entire time occupied by this debate had been confined to ten minute or fifteen-minute speeches, we should have had a far better analysis and understanding of this code of rules than we have, though of course able and interesting speeches have been delivered.

I propose only to make a few general suggestions, in which I do not feel entire confidence myself. I am rather glad that my time comes so near the hour for adjournment; and I shall feel it no discourtesy if any gentleman prefers to go to dinner rather than to listen to what I may suggest. My only object is to get certain suggestions and amendments into the RECORD that gentlemen may give them such attention as they may be disposed to.

The other day I chanced to hear two distinguished and able gentlemen of this House discussing whether it would not be a good plan to plant guns on the top of this building to be discharged for the purpose of informing absent members when the House lacked a quorum! Mr. Chairman, whether the walls of the building would withstand the recoil of the guns or not, we must concede that it would save mileage on the part of of the Sergeant-at-Arms. I am not sure that my friends were serious about it; but since I have been a member here one thing has frequently forced itself upon my mind. It is this: If "order" be "heaven's first law," it is equally true that if we are to get the best work from the combined ability and judgment of this body such order should be preserved during the business sessions of the House as will enable each member to hear what is being said and done. But both tradition and custom seem to have ordained that no such order should be preserved here, except, at least, in case of the death or funeral of a member! Now, what has often occurred to me is this: whether it would not be a good plan to plant a swivel gun charged with grape and canister on the desk in front of the Speaker and give him liberal discretion to fire! [Laughter.] But of course I do not suppose that suggestion can be adopted. In fact I am not just sure that I would vote for it myself. [Renewed laughter.] Now, sir, I speak in no spirit of fulsome flattery when I say that in my opinion no Speaker or occupant of that chair has on the whole succeeded in preserving better order during the sessions of this House than our present Speaker; but it has occurred to me, as I doubt not it has to others, that if he, with the decision and power of will which characterize him, should, when noise and confusion are reigning supreme here, sit firmly back in his seat and declare to this House and the country that the public business should not proceed until order was restored and maintained, and then adhere to it unflinchingly, though he sat through an entire day's session, I believe a blessing would be conferred upon Congress and the country such as it seldom falls to one man to bestow. Of course he could not do it without the co-operation of members; but if it were understood that this new departure was to be tried I believe he would have the hearty co-operation of a majority, or of all the members of this House. I do not mean that the Speaker would be expected to preside over us like a schoolmaster, but that such reasonable order might be maintained that the business before the House could be fairly understood. Of course I throw this out only as a suggestion, and with a feeling of deference to the House and distrust in my own judgment. I know the potency of the reply when any innovation upon these customs is attempted. It is, "Oh, it has always been so!"

Why, sir, four years ago I attempted by introducing a resolution to dispense with reading the given names of members upon the roll-call. I was assured and I believe in the utmost good faith by friends all around me here that it would never do; that the practice had always been the other way; and should the change be made the rights of the minority would be wrecked! That we wanted time to get members in, &c. I confess that the shock was so sudden and startling to me that in absolute fright I consented that the resolution might be referred, instead of pressing a suspension of the rules as I had expected to do. Mr. Chairman, after regaining my composure, I introduced that resolution at three successive sessions, and finally the Committee on Rules took hold of it, reported it favorably, and advocated its passage. And I am happy to know that, although it has been in force a half a year or more, the walls of the Capitol have not fallen in, the minority are still on deck, and the change saves from fifteen to twenty minutes on each roll-call.

I am glad to say that the committee have gone even further in this proposed revision, and struck off the prefix "Mr.," thus saving still more the voice and lungs of our reading clerks, so sorely taxed at times. Yes, Mr. Chairman, custom is strong here, as it is everywhere. Why, I have often wanted to make a suggestion, but I really dare not, that a duplicate clock be placed over the Speaker's chair, in order that when a member is addressing the chair his eye would unconsciously measure the time allowed him. But I knew if I suggested it I should be told that "it had always been the other way; that 'grandfather's clock' had always stood in the upper gallery at our back;" and that it was one of the indispensable requirements of this House that if a member presumed to address it he must pause in his remarks, wring his neck half around, take a look at the clock, and then inquire: "How much time have I left, Mr. Speaker?"

Passing from this, I am glad to say that had this Committee on Rules done nothing else, in my judgment they are entitled to a vote of thanks for bringing into prominence this one passage from Jefferson, to be found on page 14 of the report:

> A settled order of business is, however, necessary for the government of the presiding officer and to restrain individual members from calling up favorite measures or matters under their special patronage out of their just turn. It is useful also for directing the discretion of the House when they are moved to take up a particular matter to the prejudice of others having priority of right to their attention in the general order of business.

Need anybody be told that if a deliberative body is to become familiar with its own rules nothing can so conduce to this as regularity and routine in the transaction of business? The committee have taken a long step in the right direction when they require that there shall be a written report in each case, which shall be printed, and if objection be made every bill reported in the morning hour shall go to its appropriate calendar. I know of no other way, if, indeed, the House is to know what is contained in these resports in time to act intelligently upon the reported bill.

We shall probably meet with one embarrassment, and that is, how to reach certain measures of greater importance than others on the House Calendar, but that I doubt not will in some way be put under the control of the House. If I may be allowed the suggestion, with all deference to the Committee on Rules, I would dispense with the necessity of that one objection, and the morning hour should be employed absolutely in the report of bills and their reference to the proper calendar; then, instead of two or three morning hours being unexpectedly blocked up with some matter not expected to take ten minutes, committees would report regularly and in order, and could get their work before the House in print, at least; then let the rule be amended so as to require that a copy of each report be mailed to members at their rooms, let them arrange such reports in pigeon-holes or alphabetically, and they will always have ready at hand a complete chart of the business of the House without having to look in some cave in this building to find it.

I have another suggestion to make, but with considerable diffidence in my own judgment, for it is rather radical and might get us into more trouble than it would get us out of. It is this: It seems to me, from such observation as I have been able to make while a member here, that, paradoxical as it may seem, one of the most arbitrary, the most dangerous, and pernicious practices is the custom of transacting business by unanimous consent. On the one hand, it throws all the responsibility of objecting upon a single member. A member, having an important interest in charge, does not like to incur the displeasure of other gentlemen, who will be sure to object when such business comes up; but if he does venture to object, believing it to be his duty, he is at once pounced upon by a dozen friends of the measure, and it is not in human nature that he should be expected to hold out, and he generally gives way. And yet it may be of the very highest importance that the objection should be interposed.

On the other hand, it throws into the hands of a single member the power to block the wheels of legislation and throw the public business out of joint, when it is the sincere desire of all others that it go on. I speak in no offensive sense, but members sometimes may be inclined in objecting to take counsel of their obstinacy rather than their higher wisdom.

As unanimous consent throws the House out of joint, so a single objection often does the same thing. If you are to have legislation by so many separate juntas of the House in the form of committees, it might do. But the present practice destroys both committee work and any intelligent deliberation and action in the House.

We all see that a committee charged with the special investigation of an important subject, perhaps empowered to send for persons and papers—that their original function is to furnish information to the House. Now, however painstaking and laborious their work may be upon measures before them for weeks and perhaps months, when they come in here to report in the morning hour what is the usual condition of things? As a rule members are engaged in opening their morning's mail, writing letters, or engaged in general conversation, and the member in charge of the bill may be a gentleman of consummate ability, but unfortunately has a voice that cannot be heard ten feet from his seat. He states something in good faith, the majority of members do not know what. We soon hear the motion for the previous question. Members look up from their writing or pause in their conversation to inquire, "What is this?" Their neighbors do not know. They do not know. Not a particle of information has come from the committee to them. So each says to the other, with a sad and troubled look, "Well, it is safe to follow the committee or vote no."

Now, Mr. Chairman, would you, would any member of this House, decide on his individual responsibility, sitting as a justice of the peace, a lawsuit involving $100 in a way like that? And yet we decide cases as a deliberative body involving, it may be, thousands, if not millions, in precisely that way. Take the other case. Supposing some member chooses to stampede the House and shout "Fraud!" or "A job!" Ignorance here, as everywhere, is the parent of panic, and the painstaking and intelligent labor of a committee for months is wrecked in a minute!

Again, matters are proceeding under some order permitting a single member to object. The impulse comes over some one, perhaps myself or any one else, that if his name is ever to be seen in the Associated Press dispatches or the CONGRESSIONAL RECORD he must do something—and he does it!

He "objects," and for the life of him he might not be able to tell why, if required to do so, but his single objection is all-sufficient! His pride is aroused, and he is bound to stand up like a little man! The business of the House is knocked out of joint, and the intelligent labor of the committee ruined or postponed. The attention of the House was beginning to be drawn to the measure; each member was resolving that he would look it up and take an interest in it, But it has gone over! It may not be reached again in a month, or during the entire session. And with this fragmentary treatment of various bills, the time for final adjournment comes. The session goes out, and the same bills are piled in upon us again at the next session by the bushel. Reprinted by the cord! But I must hasten, and will ask the Clerk to read an amendment which I send to his desk, that it may be printed in the RECORD and receive such attention as members may be inclined to give it.

The Clerk read as follows:

Add to clause 3, Rule XXIV, the following:

Nor shall it be in order for the Speaker to ask that business be transacted by unanimous consent, except to dispense with the reading of papers, grant leave of absence, and present executive communications or other papers or make such communications as are proper for the Speaker to do; but where unanimous consent would otherwise be required to transact business the question, upon motion, shall be decided by the House without debate, which motion shall be subject to a call for the regular order of business by ten or more members, and shall not prevail unless sustained by a two-thirds vote of the members present and voting.

Mr. WILLIAMS, of Wisconsin. The purpose I seek to accomplish by that—and I will say to the House I am not sure I have done it—is this: that wherever unanimous consent is now required to take the power out of the hands of one man to object and place it in the hands of ten, so that when the motion is made, if the majority of a committee are desirous of proceeding with the regular business, or any other ten members desire the same thing, they have the power to do so as against this old practice of granting unanimous consent. On the other hand, if ten members do not object the vote of two-thirds of the members shall take the place of old unanimous consent, with this difference, that members in their action would be supported by the real wish and public sentiment of their fellows. The motion, it seems to me, would ordinarily be decided by a *viva voce* vote, or certainly in most cases by a division.

To illustrate briefly: the question might be asked, Would you prohibit the introduction of bills and resolutions by unanimous consent? Why not? Formerly bills could only be introduced upon the recommendation of a committee. Then Monday was set aside for their introduction on leave; and they are coming in by the thousand, if not ten thousand. But the Speaker is badgered on all hands to consent to recognize members for the introduction of bills and other matters upon unanimous consent. He consents to do it; babel breaks out in front of the Clerk's desk; the order is at the mercy of any member to object; a few of the more daring and persistent ones get in their bills out of order, the others are cut off, and a general feeling of dissatisfaction ensues. By the way, I would like to inquire, if I had sufficiently considered my own question, whether the Journal might not be printed instead of read? And the first thing in the morning after prayer let the Speaker call for corrections of the Journal, which ordinarily would take five minutes, perhaps, instead of fifteen to twenty-five, as now. But, Mr. Chairman, I am almost frightened at my own question.

I speak of another matter with no disrespect to callers on the members of this House; it is a right and a privilege which all should enjoy; but I wish to make a suggestion which I doubt not all callers would willingly and readily conform to when once understood. I embody my suggestion in the form of an amendment which I will send to the Clerk to read.

The Clerk read as follows:

Amend Rule VIII so that the same will read as follows.

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and after the hour of half-past one o'clock p. m. members shall not be called from the Chamber by card or otherwise except when upon special application to the Doorkeeper he may deem it important that they be notified. Every member shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. WILLIAMS, of Wisconsin. I believe all reasonable persons will agree that so long as callers on business have almost complete control of our time from the first jingle of the door-bell in the morning until the last sound of the curfew at night, we should have at least a few minutes if not hours during the session of the House when we can attend to the public business without interruption.

Why, Mr. Chairman, you may go out to any one of the three doors leading into this Chamber while the House is in session, and you will see more business being transacted there than on the floor. You fairly have to work yourself through the crowd to get access to this Chamber. Gentlemen say "Refuse to go out, then." But members do not like to do that, though some very distinguished members have adopted that practice, I understand.

But see how the custom works now. A member has charge of an important bill; he is explaining it to the House; you become greatly interested and want to understand it. Just then a card is brought to you; it may be from one of your constituents from home, and it may be from a dead-beat who has bored you almost to death; it may be from an entire stranger to whom you do not wish to be discourteous. At all events there is nothing left but to go. When you return the business has passed to another stage; you lose all interest, and lapse into the normal condition of the average member. If you are industrious you fall to writing letters; if you are genial and social you fall in with the telling of anecdotes which goes on with renewed vigor; but in either case the business of that day's session is an utter loss to you,

I have heard it suggested that no cards should be sent in during a session of the House. But it is more convenient to see members here, and an hour and a half for that purpose ought to be sufficient. The amendment will prevent no one from leaving the Chamber, and in case of urgent necessity the Doorkeeper will be sure to inform members, while the great rush will be stopped.

Mr. Chairman, I desire to allude to but one thing further; it is this: We come here and remain the six or eight months. Our legislation is finally boiled down and sent to the conference committees, perhaps at midnight on the last night of the session. They report that the Senate has concurred in No. 16, that the House has receded from No. 20, and that the Senate has agreed to No. 25, and so on. The vote is taken and of course the conference report is adopted. We know by experience that many of us have voted for measures in that way of which we knew absolutely nothing, and could never find out till we received the printed statutes at our homes. I simply propose that in these conference reports the amendments shall be so written out that they may be intelligible when the reports come back to the House. I therefore offer the following amendment as a suggestion:

Add to Rule XXIX the following:
And such reports, instead of referring by number to the amendments or propositions agreed to in conferrence, shall be so written out as to inform the House, from the reading of the report, what effect such amendments or propositions will have upon the measures to which they relate.

Mr. Chairman, I repeat that I have submitted these remarks to the committee as suggestions rather than as mature matters in detail. I believe i some such reforms could be brought about the new members of this House would be encouraged, and many a member who is known to possess a well-drilled mind, who is valuable on committees, whose judgment would carry weight anywhere, would come to the front and the House would have the benefit of his experience, learning, and ability who now shrinks away, first, because he does not happen to possess lungs of brass or a voice of thunder; and second, because he has no taste for that push, self-assertion, and persistency which make men prominent in a street broil. I do not say that men who are entitled to lead us do not as a rule do it now, or that any mere rules can make men prominent who are not naturally so; but I do say that these reforms would go far toward securing the joint deliberate judgment of this House as a part of the American Congress.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the revision of the rules, and had come to no resolution thereon.

JANUARY 21, 1880.

REVISION OF THE RULES.

Mr. BLACKBURN. I now insist upon my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the report of the Committee on Rules on the revision of the rules.

Mr. GARFIELD. Allow me to suggest to the gentleman from Kentucky [Mr. BLACKBURN] whether, if he make the motion, the House, would not now be likely to consent to some limitation of general debate upon the report of the Committee on Rules. Public business of other kinds will soon be pressing on this House, and if we do not reach the dicsussion of this report by paregraphs very soon it will, I fear, imperil altogether the action of the House upon it.

Mr. BLACKBURN. In reply to the gentleman, I will say that I believe he was absent yesterday when the House by a very decided vote negatived the motion of the gentleman from Virginia [Mr. HUNTON] for a limitation of general debate. The Committee on Rules has stated to this House that it was not its purpose to restrict debate at all upon their report. For one I should be very glad to see a limitation put on the general debate, which it seems to me has run long enough. The Committee on Rules, however, has not been heard from. The whole discussion has been conducted so far by gentlemen attacking the report of the committee. I think it would be but fair that at least a couple of hours should be allowed to the Committee on Rules to make its defense of its work.

In order to test the sense of the House, I will now move that all general debate on the report of the Committee on Rules on the proposed revision of the rules shall cease with to-morrow's session.

The motion to limit general debate was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was then taken upon the motion of Mr. BLACKBURN to go into Committee of the Whole; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the report of the Committee on Rules on the proposed revision of the rules, upon which the gentleman from Mississippi [Mr. CHALMERS] is entitled to the floor.

Mr. CHALMERS. I yield fifteen minutes of my time to the gentleman from Louisiana, [Mr. ROBERTSON.]

Mr. ROBERTSON. I send to the Clerk's desk and ask to have read two amendments which at the proper time will be proposed on behalf of the Committee on Levees and Improvements of the Mississippi River to the proposed rules reported from the Committee on Rules.

The Clerk read as follows:

Rule X: in line 25, page 31, stike "11" and insert "13."
Rule XI: in clause 21, on page 33, insert "to the improvement of the Mississippi River and its navigable tributaries, and all surveys and estimates relating thereto."

Mr. ROBERTSON. Mr. Chairman, as chairman of the Committee on Levees and Improvements of the Mississippi River, I deem it my duty to explain the exact position occupied toward the House by the committee over which I have the honor to preside. The Committee on Rules has taken and refrained from such action in reference to that committee as to compel the intervention of this committee to rectify its acts of omission and commission.

In the first place, while advancing this committee on the list from the forty-sixth to the twenty-first, and thus acknowledging its importance, the Committee on Rules has failed to assign its duties, (as in the case of every other committee,) leaving them indeterminate, and a blank space only for their subsequent insertion.

Secondly. The Committee on Rules has reduced the number of members of the committee from thirteen to eleven without assigning any reason therefor, and in contravention of the action of this House which added the two members now proposed to be stricken off.

In regard to the first matter a brief history of the committee from its inception to its present position will show that the exact extent of its duties never have been clearly defined, as was also the case of four other committees of the House whose duties the Committee on Rules has now endeavored to assign, leaving the Committee on the Improvements of the Mississippi River alone open still. Why this course has been taken I do not pretend positively to know, but presume it has arisen from a doubt as to the full scope and extent of the authority of this committee over matters cognate to its title, which I shall now propose to explain.

The committee into which the present committee has expanded was originally merely a select committee of the House, to which was referred all bills and matters relating to what was termed the Mississippi levees.

In the Forty-fourth Congress it was made one of the standing committees of the House by a resolution which did not define its duties in any manner, except in so far as they might be ascertained from its title. Under this title the committee proceeded to take jurisdiction over and act upon all matters referred to it in regard to the levees of the Mississippi River.

At the first session of the Forty-fifth Congress it was resolved by the House "that the Committee on Levees shall be styled Committee on the Levees and Improvements of the Mississippi River," thus by its title greatly enlarging the scope and sphere of its authority and jurisdiction over all proposed improvements of the Mississippi River, of whatever character they might be.

The committee, of which I was at that time the chairman, proceeded thereupon to consider such bills as were referred to them, not only looking to the protection of the alluvial lands by levees, but also all looking to the improvement of the navigation of the Mississippi River.

The committee, after thorough examination and full discussion of all matters submitted to them, came to the unanimous conclusion, and so reported in their formal report to the House on the 3d May, 1878, that they considered "the questions of river improvement and the protection of alluvial lands as intimately and inseparably connected." The report further proceeded to say:

By resolution of the present session the jurisdiction of the committee has been extended, so as to include questions relating to the improvement of the river, as well as questions relating to levees and alluvial lands. In the past these have been rival interests, notwithstanding nature made them interdependent. At present however all parties in interest admit that levees are necessary aids to the improvement of navigation. Your committee therefore, in accordance with their new jurisdiction, and the fortunate adjustment of rival interests, report a bill combining these two very important questions.

The bill therein referred to provided for the formation of a permanent commission to examine and decide upon some adequate and comprehensive plan of improvement of the Lower Mississippi, as well as for the protection of the alluvial lands of the Mississippi Delta from overflow.

This bill was fully and thoroughly discussed in all its features in Committee of the Whole, and finally adopted by the House by an overwhelming majority, irrespective of sectional or party lines, thus giving the sanction of the House to the committee's construction of its duties and powers.

At the first session of the present Congress a similar bill reported from this committee to the House, entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to its headwaters," was passed under a suspension of the rules, amended in the Senate by increasing the number of the commission, which amendment was concurred in by the House and became a law, under which

the commission is now acting. This of course is another indication of the interpretation given by the House of the jurisdiction, powers, and duties of this committee.

By section 3 of this act the commission is empowered and authorized to make surveys, examinations, and investigations into the tributaries of the Mississippi as well as the main trunk of the river itself, thus embracing the tributaries within the scope of the powers assigned to that commission.

From this brief statement of facts it must be obvious that the same powers granted to the commission should appertain to the committee; and the amendment now proposed by the committee for better defining its powers and duties should be adopted by the House.

The propriety and necessity of extending the jurisdiction of this committee over the navigable tributaries, as well as over the main trunk of the Mississippi, are evident, in view of a connected system of improvements embracing both, it being difficult if not impossible to separate interests so closely intertwined. The duties of this committee thus extended could not possibly in any way conflict or antagonize with those of any other committee of the House. On the contrary, by such extension, relief and assistance would be given other committees now partially charged with the consideration of subjects connected with these matters.

It is a common practice, and forms part of the body of the rules of this House, to divide and apportion branches of the same subject-matter to different committees. Notable instances of this are in the assignment of claims against the Government to the Committees of Claims, on War Claims, Pensions, and other committees; in Pacific railroad matters, to a separate committee from the general Committee on Railways and Canals. A similar division is made between the Committee on Commerce and that on Railways and Canals, where the subject-matter is the improvement of the rivers.

The existing discussion on the relative rights and duties of the Committee on Appropriations and other committees of this House also proceeds on the same basis of joint jurisdiction. The arguments in favor of granting the jurisdiction required to this committee are so numerous that time will only permit me to enumerate a few.

In the first place, this committee perfected the bill, now a law, under which the Mississippi River commission is actively engaged in doing precisely that work which our committee should have jurisdiction over—positively, and not only by implication. The duties of this committee would be much more clearly defined by this addition to its title, and no possible collision with any other committee could arise from it.

In the next place, this commission, composed of eminent engineers and men of science, who may be considered experts, is expected to propose and lay down some permanent plan of improvement for this great river and its tributaries, whose great national importance merits a separate consideration and a separate committee. Furthermore, the plan reported by the present commission must, if right, be referred to this committee for its action, and the preparation of some practical measure to be proposed to the House for carrying out the suggestions made in such report. As that report will cover the tributaries, as well as the river itself, it will be necessary for the committee to possess and exercise the extended powers asked on this occasion.

The Senate has already taken this step. That which was formerly only a Select Committee on Levees is now extended to the improvement of the Mississippi River and its tributaries. As the committees of the two Houses have cognizance of the same class of subjects, their titles should concur and their scope of action should embrace the same subject-matters.

Mr. Chairman, the great and growing importance of this subject must forcibly impress itself on Congress, as it has on the popular mind throughout the whole country. This is no narrow, local, sectional, or partisan question. It is as vast as the mighty river, which bears on its broad bosom the commerce and the produce of more than half the States of this Union. It is as varied as the different interests and productions of the diverse communities who dwell on its banks, or on those of its tributaries, many of which are great highways of trade and travel in themselves, and dwarfed only by comparison with this mighty Father of Waters.

Since the genius of America's great engineer opened wide the mouth of the Mississippi and insured safe and sure egress and ingress to the Mississippi Valley, the importance of removing the obstructions and impediments to the navigation of the river and its tributaries have increased a thousand-fold, and it is the duty of Congress to insure the execution of the necessary works to effect this great object. A great stride has already been taken in the right direction by the appointment and labors of the commission which is now actively engaged in the preliminary surveys of the river and tributaries, and perfecting a general system of improvements. Yet that is but the first step, and it is essential that Congress should not weary in well-doing, in a work of which all American citizens must cordially approve, for the interests of the North, the West, the East, and the South are equally bound up in its successful accomplishment.

Of all the material ties which bind the people of all sections of the Union together, there can be none stronger and more indissoluble than this would be. The iron roads which join the East to the West, the North to the South, strong as the chain may be, cannot compare to the free current of this vast artery of commerce and communication, which when permitted its free flow will give life, strength, and energy to the whole body of the American people, who will be equal sharers in its benefits and its blessings. Well termed by Mr. Calhoun as our "great inland sea," the Mississippi is the property of the whole country, not of any State or collection of States, and as such is entitled to and should enjoy all the help Congress can give it, for which all will reap in return a rich harvest.

Mr. CHALMERS. Mr. Chairman, it was not my intention to take any part in this discussion and I would not say anything now, if a committee of which I am a member had not instructed me to represent its interests, which I shall undertake now briefly to do. The new rules, as reported, reduce the number of the Committee on Levees and Improvements of the Mississippi River from thirteen to eleven, and omit to state what business shall be referred to this committee. I am informed that this omission was purposely made because there was a difference of opinion in the Committee on Rules as to what should be the jurisdiction of this committee.

At the proper time and in obedience to instructions from this committee I shall move to restore the committee to its present number, thirteen, and shall also move that the jurisdiction of this committee shall be extended to all subjects relating to the levees and improvements of the Mississippi River and its navigable tributaries, and that all bills and estimates touching these subjects shall be referred to this committee. The discussion of these rules has developed two antagonistic ideas in this House, the one favoring a concentration of power in the hands of a few; the other in favor of a distribution of the business and power of the House as much as possible to all its members. Under the rules as they now stand a committee may strangle any bill, however important it may be, and prevent its consideration, although a majority of the House might be anxious to pass it.

The Speaker appoints the committees, and the committees can strangle legislation, and hence the will of the Speaker may, if he sees fit, overthrow the will of a majority in the House. This defect in the rules was clearly pointed out by the gentleman from Kentucky, [Mr. OSCAR TURNER,] and I hope the amendment suggested by him on this subject will be adopted when it is presented. But this is not the only manacle of power from which the House now seeks to relieve itself. It is the power of one or two great committees to absorb and control legislation which we now seek to break up.

The Administration makes known its past conduct of affairs through the reports of the President and his Secretaries, but the future wants of the Government are chiefly made known through the estimates from the different Departments. We would naturally expect the estimates as to the probable expenditures of the Government for the next fiscal year in the Navy Department to be referred to the Committee on Naval Affairs, and the same might be said of foreign, military, postal, and Indian affairs, and yet, under the rules as they now stand and as it is proposed they shall be continued, every estimate from the Departments is referred to the Committee on Appropriations or of Commerce. These other committees are mere figure-heads, and must learn the wants of the Government in respect to the affairs which they nominally represent from the sub-committees on appropriations, who are put in charge of the estimates from the Departments. Such a practice is detrimental to the public service, because too much labor is put on one committee, and detrimental to the House because too few members are given an opportunity to examine and understand the wants and demands of the Administration.

Not only do we who are members realize that the great business of the House is in making appropriations, but the people at large recognize it, and every newspaper but echoes the fact when it tells us we should pass the appropriation bills and adjourn.

But how can we pass proper appropriation bills until we can first understand what it is we are expected to appropriate about? We are ready, willing, and anxious to work, and yet we meet day after day and adjourn, or waste time in useless and uninteresting discussion, because two hundred and sixty-three members must sit here and wait until fifteen members on appropriations and fifteen more on commerce tell us what to appropriate. This is an obstruction to business. If a division of labor is beneficial and productive of good in the ordinary business of life, the same rule should be applied to congressional labor.

A more general distribution of the business of the House, which consists chiefly of appropriations, would not only bring more diversified talent to the consideration of public affairs, but the responsibility of legislation would be enlarged, the investigations into the wants of the Government would be extended, and the information of members on these all-important subjects increased. It is a source of mortification and humiliation that the great body of members is constantly called on to vote millions of appropriations without any information as to the necessity for it except that it has been recommended either by the Committee on Appropriations or on Commerce.

It is true we must trust largely to the investigations of committees, but this only makes it all the more necessary that the number and strength of these investigations should be increased. That is the principle upon which so many committees have been created, and our practice should conform to the principles of their creation.

The duty of making appropriations was once confided to the Committee of Ways and Means, but when the interests of legislation demended it a separate Committee on Appropriations was created.

The Committee on Commerce was once a Committee on Commerce and Manufactures, but when the manufacturing interests of the

country grew into sufficient importance to demand it a separate Committee on Manufactures was created to consider this subject.

If the duties of this committee are not now of the same magnitude and importance they once were the present committee can at least congratulate itself on the fact that it has a representative whose genius for manufacturing subjects for its consideration demonstrates how much is lost to the country by depriving such men of an opportunity to develop themselves, and whose eloquent description of the importance of his committee will live in history by the side of the celebrated description of theatricals in the Georgia scenes, where the Georgia boy was "jist a seein' how he could a fout."

The Committee on Railways and Canals once had exclusive jurisdiction of all railway bills, but when the great Pacific roads were being constructed a separate committee was created to consider Pacific railroads. These and other instances I might cite show that a division of labor has been the recognized rule of the House, and that as each great interest in the country grew into sufficient importance it was intrusted to a separate committee.

But, on the other hand, there has been during the last few years a gradual concentration of power in the hands of the Committee on Appropriations, and it has grown to such an extent that the whole House is ready to rebel against it.

The Committee on Commerce leads the revolt, but while it demands for itself a separate jurisdiction on appropriations, it seems unwilling to concede the same privilege to the other committees. We who belong to the more insignificant committees of the House feel no interest in this battle between the giants, except a hope that the struggle may end in a more equal distribution of the business and power of the House between all the committees.

The Committee on Commerce, like the Committee on Appropriations, has more than its share of the labor, and while they are rivals for power, they are at the same time allies in attempting to confine all the appropriations to themselves, and the one is as much liable to the charge of encroachment as the other.

The Committee on Commerce was originally intended to regulate existing commerce and never had any jurisdiction by specific rule to build harbors or to clear out rivers. These subjects belong properly to internal improvements, and as the power of the General Government to make internal improvements was denied by many, its advocates defended it, under the power to regulate commerce, and hence all such bills were sent to the Committee on Commerce.

But that question has been long since settled by the practice of the Government, and it is unnecessary to confine such bills to the committee any longer if the interests of the country demand a division of this labor. Let us see, then, if it is not demanded. The internal commerce of the country has been growing so rapidly that it now equals the external commerce, and in many respects their interests are divergent. The railway commerce has increased so rapidly that it has created a necessity for the improvement of water-routes of transportation to lessen the railway exactions in rates.

Again, the rapid and recent increase in our exports of heavy productions, such as wheat, corn, meat, and cotton-seed meal makes it essential to improve the facilities of water carriage, because these heavy products are unable to pay the cost of railway transportation, and these articles are principally produced in the States bordering on the Mississippi River and its tributaries. These States have been classified in the census as the Mississippi River system, in contradistinction to the Atlantic coast system, the lake system, and the Pacific system; and this Mississippi River system contains 1,683,303 square miles, and exceeds the area of the other systems combined by 339,303 square miles. This Mississippi River system is not only great in territory but equally great in population, and under the census as it now stands has a majority of the electoral votes, and when the new apportionment is made that majority will be largely increased. The interest of this system is one, and it is unified and bound together by nature. It is interwoven by the Mississippi River and its tributaries, which percolate and sustain it as the veins and arteries percolate and sustain the human system. Its waters flow through many latitudes through a single channel to the sea, bearing upon their bosom the rich productions of its varied climates to the markets of the world; and if there is any one interest in the United States which demands separate consideration by a separate committee it is the improvement of the Mississippi River and its navigable tributaries.

In this connection I ask the Clerk to read the following extract taken from the memorial of the convention held in Quincy, Illinois, in October, 1879.

The Clerk read as follows:

In 1879 the total production of wheat in the United States and Territories was about four hundred and fifty million bushels. Of this amount the Mississippi system produced over three hundred million bushels, nearly twice as much as the others combined. Of corn the whole country produced, in round numbers, fifteen hundred million bushels; the Mississippi system produced nearly twelve hundred million, or four times as much as the others combined. Of other cereals, of cotton and hay, of tobacco, sugar, and rice, of cattle and hogs, and of all products not included in manufactured articles, there was produced in the river system an amount in value exceeding one and one half billions of dollars, a sum that staggers the imagination to contemplate.

The summary would not be complete without considering the manufacturing interests and capabilities of this region. Careful calculations recently given to the public by an eminent statistician, detailing the growth and progress in this particular, shows that it will soon equal, if it does not surpass, the older communities in the North and East. A few facts of growth will indicate what the near future will be. In 1878 the State of Illinois alone, which in 1850 had less than one hundred miles of railroad, and few or no furnaces, produced as many iron rails as the entire country did in any year prior to 1860.

In the same year the four States of Illinois, Indiana, Missouri, and Kansas produced 266,703 tons of rail, more than 30 per cent. of all made in the United States. In that year the total production of rolled iron of all kinds in this country was 1,555,576 tons, of which the States of Illinois, Indiana, Wisconsin, Michigan, Missouri, and Kansas produced one-seventh.

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The price obtained for the surplus fixes the value of the whole production, as the home market generally rules at the price of the foreign, less the cost of the transfer. Thus the saving to the people of the valley who till the soil of one cent a bushel on wheat and corn for the year 1879 would, according to the figures of production, aggregate a sum total of nearly $15,000,000. It is not unreasonable to estimate that the deepening of the channel of the Mississippi River will lessen the freight carriage of cereals alone to the sea-board at least five cents a bushel, which gives, in round numbers, $75,000,000 per year on the present yield. Your memorialists are, therefore, free to declare that the cost of the improvement, whether it be ten, fifty, or a hundred millions of dollars, will not deter the people by its magnitude, since the saving to the producers and tax-payers, on two articles alone, will annually equal the higher sum.

Mr. CHALMERS. Mr. Chairman, there are still other reasons why the appropriations for this Mississippi River and its tributaries should be taken from the Committee on Commerce and given to a separate committee. The rule as proposed by the amendment, limits the appropriations to navigable waters. There will be no danger, therefore, that the money of the Government will be thrown away in dry creeks and spring branches. All admit the constitutional power of the Government to make improvements of these great navigable streams; and those of us who desire their improvement are unwilling that our appropriation shall be jeopardized or stigmatized by association with the Kiskiminetas. If it is necessary that appropriations for such streams as the Kiskiminetas should be carried in an omnibus we are unwilling that they shall ride in our 'bus or at our expense.

There is still another reason. The Committee on Commerce was created for the purpose of considering external commerce; and it may sometimes happen that the interest of the Atlantic sea-coast commerce and that of the Mississippi River system are so much opposed to each other that it would be unfair to permit any one committee to represent both interests.

But, sir, this discussion, as I have said, has disclosed the fact that there are men of both political parties in this House who are in favor of a concentration of power in the hands of a few. They, sir, would erect a magnificent central figure composed of two giant committees standing back to back and raising their colossal heads far above the liliputian committees which surround them.

Now, I will admit that perhaps party discipline would be greatly enhanced if the whole business of this House could be controlled by one committee and if the Speaker, whether he belonged to one party or the other, could control that committee. But in that event I would like to know what use there is for the rest of us? [Laughter.]

They tell us that economy demands this course, and we have been warned of the fearful gulf of extravagance into which we will certainly sink unless the Committee on Appropriations is permitted alone to guide the helm of state. And yet the Committee on Commerce answer this and rest their case, too, upon the plea of economy. They tell us that their method of passing a bill in the committee-room and then putting it through the House under a suspension of the rules is also an economic measure, and that it has saved millions of dollars to this Government by preventing any amendments to the bill.

Perhaps that may be so. I, sir, certainly do not now undertake to dispute it; but I will say if we are here merely for the purpose of making party capital by cutting down the estimates which the Administration make for carrying on the Government, then perhaps it is best that the work should all be done in the committee-room and pressed through the House under the rallying cry of sustaining the party in the committee. If the chief end of American statesmanship consists of a simple reduction of expenditures without regard to the growing interests of the country; if we are here simply to study how little we can compel Department clerks to live on—how low we can reduce the postal star service and how few mails we can send to the rural districts on the back of a mule; if parsimony is to usurp the place of economy—then I agree that all the appropriations had better be made through one committee, and that the members of that committee had better be selected with special reference to their supposed proficiency in tallow-candle retrenchment. If, on the other hand, the great national rivers of this country can only be improved by putting into the same bill with them dry creeks and spring branches; if the good and the bad appropriations must all ride in the same omnibus; if my distinguished friend the chairman of the Committee on Commerce must play the part of a legislative Buttercup and mix up the Mississippi River and the Kiskiminetas so no man can tell how ever he could do it——

Mr. WHITE. Nature has mixed them up.

Mr. CHALMERS. We find no difficulty in understanding what nature has done; we are only brought into trouble when we come to consider the mixture which men make.

Mr. WHITE. That is whisky and water.

Mr. CHALMERS. Thank you, I never drink, or I would take some with you. [Laughter.]

Mr. Chairman, if the improvement of our rivers can only be made in this way, then I think perhaps the old plan of passing the bill in the committee-room and then putting it through the House is per-

haps the best. It might be dangerous to bring a bill in here and permit amendments to be made upon it—dangerous lest some of these gentlemen who have constitutional scruples against making works of internal improvement by the General Government should be seduced into voting for the bill by the addition of a small appropriation for their districts. And it would be a great violation of the principles of retrenchment and reform to allow too many members to "get in on this bill." And it would certainly be a great violation of the rights of the members of the committee to allow any of their pet schemes to be taken out in order to let somebody else's in. The fact of the business is this: the river and harbor bill as it comes from the Committee on Commerce usually is like a life-boat setting out from a sinking ship. Its cargo is principally made up of the political fortunes of a favored few whose political lives are to be saved in the next election, and they are in a great hurry to get away unless some other drowning wretch might undertake to get in and sink the boat.

I am no advocate, Mr. Chairman, of the doctrine that a distribution of the appropriations to different committees will necessarily end in extravagance. Every committee of this House should be actuated by the same motives and should be equally anxious to do just exactly what is best for the interests of the country. Nor am I an advocate of that other doctrine, that a mere reduction of expenditures without regard to the interests of the country is either wise statesmanship or popular legislation The people of the United States are neither idiots nor niggards, they are perfectly willing at any time to justify and sustain any proper, constitutional, and well-guarded appropriation of money which promises to develop largely the resources of the country.

The Eads jetties gave us a deep-sea entrance at the mouth of the Mississippi River, and the whole country has applauded the appropriation.

The Mississippi River and its tributaries should be deepened. It is a work of great national importance, and yet, as has been well said, this great channel, through its entire extent, is to-day "impeded with wrecks, choked with sand-bars, bristling with snags, and millions of dollars' worth of property have been kept out from the markets of the world" in consequence. Only last fall it was stated that a firm in the city of Saint Louis had failed for a large amount because they had sold wheat which they had on hand but could not deliver from want of water on the bars of the river.

Mr. FRYE. Will the gentleman yield to me a moment?

Mr. CHALMERS. Yes, sir.

Mr. FRYE. I was not in the Hall when the gentleman commenced his remarks. I desire to call his attention to the fact that the Committee on Rules left the jurisdiction of his committee untouched purposely so that the House itself should determine its jurisdiction. Therefore some proposition should be made to the House by the gentleman's committee defining the jurisdiction it should have.

Mr. CHALMERS. If the gentleman had been in and if my remarks had been of sufficient interest to attract his attention, he would have found I stated that very proposition myself and stated further that I had been instructed by the committee of which I am a member to ask an amendment to be made, which amendment has already been read by the Clerk.

Mr. FRYE. I beg the gentleman's pardon. I was not aware any mention had been made of it.

Mr. CHALMERS. To proceed, sir, I have simply to say that the reduction in the cost of transportation in two single articles, wheat and corn, will more than pay in every year the appropriations that have been made for the improvement of the Mississippi River; and the reduction in the single item of insurance will more than pay a hundred times over for pulling all the snags out of the Mississippi River. And yet, while $200,000,000 have been, through the bills coming from the Committee on Commerce, expended on other rivers and harbors, only $7,000,000 have been expended on the Mississippi River and its tributaries, as stated by the Quincy convention. This alone should entitle us to the amendment we ask.

This is certainly, then, a great work of national improvement, one which even the most strict constructionist in the House could maintain, and it deserves therefore a separate consideration; it deserves that its interests should be taken away from that omnibus bill which carries along with it so many appropriations that you, sir, and others are unwilling to vote for.

I now yield fifteen minutes of my time to my colleague on the committee, the gentleman from Arkansas, [Mr. DUNN.]

The CHAIRMAN. The gentleman has just fifteen minutes remaining.

Mr. DUNN. Mr. Chairman, I had not intended to participate in this debate at the outset. It may be indeed considered somewhat presumptuous on my part to undertake a discussion of the rules, and I would not undertake it in the strict sense of discussing parliamentary law. But this discussion has taken a range and raised questions for consideration that forbid that I should longer be silent, inasmuch as questions materially involving the interests of my particular section of country, and I think of the whole country, are gravely involved in the settlement of these rules. I would have been content to sit at the feet of older members here and learn wisdom from them. I feel great deference to and great respect for the old managers of legislation here. But, sir, I do think that the settlement of these rules ought to be so arranged as to distribute the labors of the members of this House. A wise regard to the proper administration of affairs here will suggest to every thinking mind that the great duties and labors devolving upon members of this House should be so distributed as to secure the attention of every member of Congress. The rules should be so framed as to secure the greatest thoroughness of investigation and the most perfect accuracy of report.

A few members are not able to study all the great economies of the country. They are not able to get the bottom facts of all the great questions and interests involved and to be affected and disposed of by our legislation here; and it is the part of wisdom to distribute that labor to the greatest possible extent, so as to secure the labor and thought and ability of every member upon this floor. That has not been done. It is not being done. I have no assault to make upon any committee. I have no assault to make upon old members who are charged with monopolizing legislation here. But I appeal to this House for a just and wise distribution of the labors that are to be performed here. That is what we need, and that is what should be brought about. Have we that distribution now? Any one who will take the list of committees and notice the jurisdiction distributed or proposed to be distributed to those committees will find that about forty-three members stand out in the legislative horizon here bold and conspicuous as the sun in the heavens. The people see them, hear of them, know of them. About sixty-one other members have responsible duties to perform that do not make them conspicuous and that do not lead them into the inner temple of legislation, and about one hundred and eighty-nine members are retired to the shades of obscurity.

If any one of these retired underlings has cheek enough and brass enough and voice enough he may force himself upon the attention of the country to the great disgust of the older members here. [Laughter and applause.] That is unpleasant to do. I do not want to offend these older members at all; but I desire to perform my duties here. We stand here as equals in duties, equals in rights, equals in privilege, if not in ability, and all should seek to contribute their mite to the country's service.

Mr. Chairman, if you were the owner and proprietor of some great business, in which two hundred and ninety-three laborers were required and employed, and you should employ a man of business to superintend, organize, and administer that business for you, and after full and complete organization, with the business started and going, what would you think if you should visit your works and find one hundred and eighty-nine of your two hundred and ninety-three laborers absolutely idle—forty-three of them with the great burden of the labor thrust upon them, and the remainder doing just fair work? What, I ask, would you say of such a piece of administration? What would any sensible, practical man do but condemn it and discharge the "boss?"

Now, sir, what are we to do about this thing? The practical question that presents itself here is, how shall we correct this manifest error? We should take a wise view of it and see how far and how justly we can distribute these labors. In doing that let us take every committee and assign a just share of the duties to each one. The great contest and struggle here appears to be between the Appropriations Committee and the Committee on Commerce, with an occasional side-slap at the Committee of Ways and Means. I think, sir, the Committee of Ways and Means ought not to receive any blows from anybody. It has not done anything to hurt anybody lately, [laughter,] and I believe it will not.

Mr. Chairman, in my opinion these great rival committee are overtaxed with work. If we will to-day take a view of the *personnel* of the Appropriations Committee, we will find its members greatly overworked. They are, in fact, broken down. Its dead, wounded, and dying lie thickly strewn along the line of the legislative battle-field like wrecked ships upon the sea-shore after a furious storm.

The chairman of that committee, a gentleman whom I honor and esteem highly, for he is a gentleman of splendid ability and wisdom, a conservative man, one who well administers his office as the chairman of that great committee—that gentleman now lies prostrate from overwork, but I rejoice to say not hopelessly so, but is convalescent.

The second member of that committee, the present acting chairman, a gentleman of equal worth, merit, and ability, in fact, the noblest Roman of them all, although not confined to his bed, looks pale, haggard, and much worn, as one whose burden is more than he can bear, and which he yet carries with true and admirable heroism. [Laughter.]

Other members of that committee may be seen moving about with abstracted look like somnambulists before whose distempered vision river and harbor bills for the improvement of the Kiskiminetas and like rivulets danced in endless profusion and wild extravagance. [Renewed laughter.] The members of that committee are all overworked and worn out. Yet notwithstanding all this agony of labor which they are assuming to themselves, they ask for more. Mr. Chairman, let them be delivered from themselves and preserved for future usefulness and, let us hope, greatness. I for one feel like rushing to their rescue, and think this whole House will join in the rush. I foresee that Samson will be shorn of some of his locks.

And there is the Committee on Commerce, presided over by the distinguished gentleman from Texas, [Mr. REAGAN,] a gentleman whose acquaintance I had the pleasure of making at the extra session of this Congress. I first saw him on this floor two years ago. At that

time he looked hale, hearty, ruddy, and robust. I am sorry to see now that pale, wan, and haggard look upon his countenance. His coat does not button around him so snugly as it did then. [Laughter.] He has too many rivers to wade, too many harbors to fix up. There is "too much water in his'n." [Great laughter.] I am in favor of depriving him of some "of the water."

I desire to see that great and important committee relieved of some of its duties. I would like to see the ruddy glow of health return to the cheek of its distinguished chairman, for his services will be invaluable to the country hereafter. I would like to see the elasticity return to his step; to see him move hopefully and buoyantly, giving promise of long life and future usefulness. Yes, as suggested by my friend from Kentucky, [Mr. McKENZIE,] I would like to see his coat fit him better. [Renewed laughter.] Sir, long may he live to serve and honor our country! I am proud to have the privilege and honor of counting him among my friends.

There is one other committee which is capable of creating some excitement here—the Committee on Finance, or, I believe, it is called the Committee on Banking and Currency, or the Committee on Coinage, Weights, and Measures. That committee is not able to take to itself any more jurisdiction, but it has an interesting field, an exciting subject to handle. Whenever one of its members rises here with any proposition, I do not care what it is, whether a proposition to suppress the old-fashioned copper cent, or to sit down vigorously on the nickel five-cent piece, [laughter,] it stirs up everybody in this House. There seems to be a smell of money about them, and we all grow red in the face, our hair stands on end, our bristles get up. It is like an explosion of dynamite. [Laughter.] We easily get excited about our finances, as small a matter as it would seem to be with most of us. In this House, at this particular time, Mr. Chairman, I suppose there is more financial thunder and lightning to the square inch bottled up and held in readiness for the impending explosion than there is on any other part of this planet. [Renewed laughter.] The voice of that committee will never be heard above the din and roar of that explosion when all those bottles of financial wrath, thunder, and lightning are poured out upon the country. But I see no relief for them when it comes. They, too, must "stand back to back," shut their eyes, fold their hands in supplication, ask a blessing, and grin and bear it. [Laughter.]

This banking question is a very exciting question. We had an exhibition of it this morning, when the excitement ran so high that it came very near raising the Speaker out of his seat. Now, all these committees need relief by a more extended distribution of the work of this House. We should relieve them all from the terrible duties and burdens now imposed upon them.

But the principal question to which I desired to address myself was as to the jurisdiction proposed to be given to the Committee on Levees and Improvements of the Mississippi River. That is a serious question for us to consider. Ought its jurisdiction to be extended so as to embrace the navigable tributaries of the Mississippi River?

Mr. Chairman, the distinguished chairman of the Committee on Commerce tells us that the friends of the Mississippi River system will be better off with their interests in the hands of his committee than elsewere. Sir, we have had a Committee on Commerce since we have had a Congress. We have also had the Mississippi River and its thirty-three tributaries nearly as long. How many miles have been added to the navigable waters of that system by improvements done under bills and measures brought in by the Committee on Commerce? How much have their channels been deepened? What did that committee do for the mouths of that mighty river? Scarcely a mile of navigable water added to nature's gift, and not an inch to the depth of its mouths.

Sir, the people of the Mississippi Valley long waited, watched, and prayed in vain to that committee and Congress for improvement of the navigation of that mighty system of water-ways, and a whole century of our national life closed without hope or promise of realization of their desires. In despair and sadness we turned away from the Committee on Commerce, and asked Congress for a special committee. We got first the Committee on Levees, which, by dint of hard labor, developed into the present standing Committee on Levees and Improvements of the Mississippi River. This committee has had but a short existence; but, sir, it has accomplished much and deserves well of the country and of Congress. Under its auspices, aided by the select committee of the Senate on transportation routes, questions which were by the Committee on Commerce and a large portion of the people considered mere wild and visionary theories have passed from the realm of theory to that of accomplished fact, and the further fact shown that the probable cost of these now accomplished works was largely overestimated by the Committee on Commerce and the Congress under its lead. The Fort Saint Philip Canal project, at a cost of $8,000,000, was that proposed by the Committee on Commerce, and was passed through the House, and defeated on motion of the Senate Select Committee on Transportation Routes in the Senate.

It was reserved for our distinguished countryman James B. Eads to seize and harness the gigantic forces of the mighty floods of this great river which had hitherto bidden defiance to the skill and power of the Committee on Commerce and "the rest of mankind," and harness them into his service and subdue the hitherto imperious and unconquered river and compel it to perform the work of dredging its own channel to the sea. So incredulous and unbelieving was the Committee on Commerce and the Congress that Eads had to set up an insurance office and go on with the work at his own cost without aid from the Government until he had demonstrated the complete success of his plan. Sir, that grand work is now an accomplished fact, and we read in the press dispatches the daily announcement that the largest ocean vessels pass the Balize and compete at the docks of New Orleans for the commerce of the great Mississippi Valley.

The world has known but few if any physical triumphs grander than this which now links the name of Eads with immortality, the practicability and possibility of which the Committee on Commerce could not be convinced.

This grand work has been inaugurated and pushed to success under the auspices of the Committee on Levees and Improvements of the Mississippi River of the House and the Senate Select Committee on Transportation Routes.

Sir, the success of this grand work has evoked a power in behalf of the unobstructed navigation of the Mississippi River and its tributaries, as one grand harmonious whole, more irresistible than that which originally demanded an undivided ownership of its waters. The Committee on Levees and Improvements has been the first to recognize that power and that demand, and the first to respond to it. We brought in at the extra session of this Congress a bill to create a permanent commission composed of scientific engineers whose duty it shall be to complete the surveys of the Mississippi River and its tributaries and prepare and present to the Congress, through the Secretary of War, such plans and specifications as will deepen and render the channels of the rivers permanent, make their banks secure, give ease and safety to navigation, and prevent destructive floods. Sir, this is a move in the right direction, and the first that has been taken in the interest of true economy and permanent good and that gives promise of the complete and successful solution of the problem of that great water-way to the sea.

Heretofore some millions have been spent on these rivers under the plans of the Committee of Commerce to satisfy the clamorous demands of the people, without any well-matured or harmonious plan comprehending the whole Mississippi River system. That work has been fragmentary and worthless in a measure. Thanks to the wisdom and foresight of the Committee on Levees and Improvements of the Mississippi River, and Congress under its advice, a liberal appropriation for completing the surveys was made at the extra session of this Congress, and those surveys are now, doubtless, sufficiently advanced to justify the immediate commencement and vigorous prosecution of the work of improvement. The needed improvements, I feel sure, will be simple, comparatively inexpensive, and no good excuse can be given for their postponement.

Then, sir, as this is the offspring of our committee, its jurisdiction and the jurisdiction of the commission, should at once be extended to the navigable tributaries of the Mississippi River. If they have this jurisdiction they will treat that river and its tributaries as one grand system, and settle upon one comprehensive and consistent plan of improvement. Each part of that great work will consist with the other—in fact it will be one grand, harmonious work, having a beginning at the mouth of the Mississippi, continuing up its main trunk and tributaries, and ending only at their various sources. If you give the tributaries to the Committee of Commerce and the main trunk to us, we shall be pulling in contrary directions, the commission will be paralyzed between the contending forces, and all will end in a waste of money and in disaster.

This committee, then, thus far has well performed its part; it has been a faithful servant over a small matter; let it now be made ruler over more. I said, Mr. Chairman, and I repeat, that true wisdom in the administration of this House would admonish us to make as equal a distribution of our labors among the members as possible, giving each his equal share of the work, so that all shall be constantly engaged studying the great economies, resources, and varied interests of the country, and maturing and improving plans for our advancement and progress and the development of our great and varied resources.

According to the best statistics I can gather we have in this country about twenty-eight thousand miles of navigable rivers, besides about seven thousand miles of sea-coast, dotted thickly with cities, towns, harbors, piers, light-houses, &c. The tonnage of the American sailing-vessels, steam-vessels, canal-boats, and barges running in these waters is 4,212,764.54 tons. The tonnage of foreign vessels entered at our seaports during the year 1879 was 10,718,394 tons. The exports for the year ended June 80, 1879, amounted to $717,093,777; the imports for the same period amounted to $466,073,775. Of all these vast interests the Committee on Commerce claims and holds exclusive jurisdiction except as to tariff.

The Mississippi River and its thirty-three navigable tributaries have fourteen thousand miles of navigable waters, about one-half of the navigable river water-ways of the United States. The tonnage of these rivers on June 30, 1878, was 457,757.60 tons, about one-tenth of the entire tonnage of the United States. It will thus be seen that the proposed amendment does not take away so much of the jurisdiction of the Committee on Commerce as gentlemen may imagine. I beg to assure the members of that committee that there will be left to them a broad field of labor and distinction, in which, by diligence, they may get them much honor.

The Mississippi River system is an entirety, isolated from, and en-

tirely disconnected with all the other water-ways of the United States, and may well be set apart and assigned to one committee. Every consideration of wisdom and economy demands that it should be.

Sir, this will not emasculate the Committee on Commerce. We will still leave to it fourteen thousand or fifteen thousand miles of navigable rivers; we will leave to it the great lakes of the North; we will leave to it the Atlantic coast, the Pacific coast, and the Gulf of Mexico, with their great cities and towns, harbors, piers, and 3,755,006,94 tons of shipping, and all their vast commercial interests, to improve and foster. Sir, it is enough to satisfy the most ambitious and aspiring committee.

Mr. Chairman, I come now to consider a graver and more serious phase of this question, which I would not feel justified in passing unnoticed. That question is, whether this great work of the improvement of these rivers should be undertaken at all.

The opposition usually exhibited against the improvement of rivers and harbors has always seemed unaccountable to me. Sir, we appropriate annually near $300,000,000 for the support and progress of this Government. Of all this vast sum, nothing is left to show for the expenditure except the improvement of rivers and harbors.

The millions appropriated for other purposes, like the rain-drops that fall upon the desert plains, pass at once from sight without leaving a trace behind, while the limited sums so grudgingly given for internal improvements remain to bless and enrich the country for all time to come. The enemies of internal improvement never meet the question fairly, but are in the habit of selecting a few items of minor importance in river and harbor bills, and by holding these up to ridicule they seek to cast odium upon the entire policy. This is neither just nor fair, and will not be effective with the wise. Sir, the time was when it was in order to argue the wisdom of the policy and the constitutionality of the doctrine of improvement of the navigation of our rivers; but we have now passed beyond the regions of doubt and argument of these questions, and those who are still opposed to the improvement of our great water-ways by the General Government "Stand like mile-posts upon a deserted road."

Mr. Chairman, I do not hesitate to say that agriculture rises above all other of our pursuits in interest and importance. In my judgment, it is the noblest occupation of man. It usually bears the aspect of an humble servitor, but in the end it asserts its value and forces the confession that all wealth and prosperity are based upon the soil and the labor that brings forth its products. In this country it is the vital current that gives life and energy to all other pursuits and industries. The careful student of our political history beholds in our midst the various forms of organized and incorporated capital building up its selfish pursuits regardless of the weal or woe of our common country; its managers heed not the consequences of bad laws, provided they contribute to satisfy their own greed or carry out their selfish designs. Notable among these are railroads and banks. They go, organized and disciplined, into the political contests of the country; they hover over and hang around the capital, and usually depart flushed with victory and loaded with spoils. Sir, they are still here seeking to fasten deeper in the body-politic their fatal talons. They are in Congress and out of Congress. They have created that cesspool of political corruption called the lobby, in whose slimy atmosphere they find the conditions congenial to their growth and contributory to their power, a power usually most fatally wielded against defenseless shippers and helpless debtors along their lines, robbing the husbandman of the hard-earned fruits of his labor.

Sir, no lobby has ever been organized here in the interest of the farmer. Our vast system of rivers, thank God, is beyond the reach of corporations, and is the free gift of nature, free to all, and there is no lobby here to push schemes for their improvement. There is a vast difference in principle between the granting of Government aid in the construction of railways owned and controlled by private corporations and simply improving and keeping in repair river highways controlled by the United States, and which nature built without expense. The great question with the American producer is not how much he can produce, but shall he find a market at remunerative prices? Cheap, safe, and easy river navigation is the solution of that question. The opponents of river improvement say that the appropriations are increasing in amount to an alarming extent. It is said that of the $125,000,000 that have been appropriated since 1862 for improvement of rivers and harbors, $75,000,000 have been appropriated since 1868.

If gentlemen will take the trouble and pains to look to the commercial statistics they will find most satisfactory results. The report of the Chief of the Bureau of Statistics for the year ended June 30, 1879, (page 5,) shows that the export of agricultural implements has increased since 1868 from $673,681 to $2,933,338 in 1879; living animals of all kinds, from $733,395 to $11,487,754 in the same time; bread and breadstuffs, from $69,024,059 in 1868 to $210,355,528 in 1879; coal, from $1,516,220 to $2,319,392; copper and brass manufactures, from $496,329 to $3,031,924; cotton manufactures, from $4,871,054 to $10,853,950; fruits, from $406,512 to $1,916,382; iron and steel manufactures, from $5,491,306 to $12,766,294; leather, from $607,105 to $6,800,070; provisions, from $30,436,642 to $116,858,650; mineral oil, from $19,752,143 to $35,999,862, &c. That is not all; as a logical consequence of this increase of exports the balance of trade, then setting heavily against us, has been turned in our favor to the amount of nearly $300,000,000 per annum, enabling us to resume specie payments, and bringing a return of prosperity and giving life and energy to all of our industries. We have had abundant crops and cheaper transportation, and it has lifted the burden of debt from our country, giving it credit with the world, and honor in the eyes of all nations.

Mr. Chairman, one of the most valuable and instructive reports ever submitted to Congress was that made by the present distinguished and able chairman of the Committee on Levees and Improvements of the Mississippi River [Mr. ROBERTSON] to the Forty-fifth Congress, second session. In that able report is presented a comprehensive review of the whole Mississippi River system. The committee say, (page 3:)

> That the new era of peace, material development, revival of industries and extension of trade which is succeeding several years of political strife and business depression finds in the Mississippi River system a fine field for operations. The problem of cheap transportation, so important to the welfare of the producing classes, looks to the river and its many navigable tributaries for solution. Considering the national importance of that question at the present time, it is safe to assert that the river system has reached a point in its history where it will soon regain its lost prestige.

DESCRIPTIVE NOTES.

The Mississippi and its navigable tributaries intersect and supply with cheap transportation nearly every portion of the vast agricultural region extending from the Lakes to the Gulf, and the Alleghany to the Rocky Mountains, an area of about two million square miles; in other words, about two-thirds of the area of the whole United States. Strictly speaking, the Mississippi River basin contains but 1,257,545 square miles. That total is, according to Walker's Statistical Atlas of the United States, composed of the following minor basins or subdivisions, namely:

	Sq. miles.
Lower Mississippi	65,646
Upper Mississippi	179,635
Missouri	527,690
Arkansas	184,742
Ohio	207,111
Red	92,721

But the region drained and, in a business way, benefited by the Mississippi River system is more extensive than the mere basins, and it is fairer to use the first-mentioned area (which is that given by Foster, in his excellent work on the valley) as the proper measure of territory for the purposes of this review.

The following table shows the number of miles which the river and each one of its tributaries is navigable from its mouth to the place designated on the accompanying map as the head of navigation:

Missouri	3,127	Cumberland	653
Mississippi	2,166	White	460
Ohio	1,021	Washita	445
Red	820	Yellowstone	438
Tennessee	759	Wabash	369
Arkansas	668	Allegheny	325
Minnesota	295	Chippewa	90
Illinois	269	Iowa	80
Yazoo	240	Saint Francis	80
Osage	237	Saint Croix	65
Sunflower	207	Rock	64
Tallahatchie	200	Kentucky	60
Green	200	Black, (Lousiana)	54
Wisconsin	160	Bighorn	50
Black, (Arkansas)	136	Clinch	50
Monongahela	110		
Kanawha	94	Total	14,086
Muskingum	94		

On page 5, treating of it as a national highway, they say:

> The navigable portions of this vast river system either intersect or border eighteen States and two Territories. Each one of these States and Territories has an extensive business interest in the Lower Mississippi, or trunk-line, as well as the particular portions of the rivir highway which touch its own territory. The mileage of the navigable portions of the system which cross or border each State is nearly as follows:

Arkansas	1,826	Minnesota	660
Missouri	1,504	Wisconsin	560
Louisiana	1,314	Ohio	556
Montana	1,311	Nebraska	400
Illinois	1,277	Pennsylvania	380
Tennessee	1,220	Texas	300
Mississippi	1,207	Dakota	285
Kentucky	1,187	Alabama	250
Iowa	845	Kansas	190
Indiana	840	West Virginia	104

> An estimate of the political power of these States and Territories shows how national are the interests attaching to the river. Of the three hundred and one Representatives of the people in the present Congress, the eighteen States and two Territories send one hundred and seventy-one. This representation is based on population, and, according to the last census, those States and Territories had a population of 22,215,022, against 16,343,349 in the rest of the United States.
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> Again, a comparison of some of the leading products of those eighteen States with the products of the whole United States illustrates very clearly the national character of this comprehensive highway. According to the recent annual report of the United States Commissioner of Agriculture they, in 1876, produced 1,123,106,000 bushels of Indian corn of the total 1,283,827,500 bushels produced in the whole Union; in other words, over 87 per cent. of the whole national crop.
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> The wheat product of the same eighteen States was 200,899,000 bushels against the total 289,356,500 bushels of the whole United States, or 69 per cent. They produced 72 per cent. of the total rye product of the United States. During the same year they furnished 70 per cent., or $19,811,650 of the total $28,282,968 worth of tobacco produced in the United States. Of the total 4,438,000 bales of cotton grown in the whole United States in 1876 they produced 74 per cent., or 3,318,000 bales. As the statistics of pork-packing are usually given by cities instead of States, we will take for a further comparison the value of live hogs in 1876. According to the same authority, the Commissioner of Agriculture, the value of the hogs of the eighteen States was estimated to be $137,154,406, and those of the whole Union $171,077,196, or 74 per cent.
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> The chief coal-fields of the United States, those of Pennsylvania, Indiana, Ohio, Illinois, and Missouri, are in close proximity to the navigable waters of the Mississippi or its tributaries. The extensive iron deposits of Tennessee, Western Penn-

sylvania, and Missouri also adjoin this national highway. It furnishes water communication with the ocean for commerce and freights of such cities as Pittsburgh, Cincinnati, Louisville, Nashville, Memphis, Saint Paul, Keokuk, Omaha, Little Rock, Shreveport, Jefferson, (Texas,) Saint Louis, New Orleans, and many others scattered over different portions of the great interior of the United States.

The statistical and crop reports for 1879 show that the percentage of leading products produced in these States is still greater than the rate here given.

Sir, this great work is in nature, in fact, and in law, national, and in accordance with the strictest principles of political economy as well as common sense. The most productive portions of the United States are the rich valleys extending up and down the Mississippi River and its tributaries. These fourteen thousand miles of natural highways, the free gift of nature, and yet unimproved to any considerable extent by man, are located where they will do the most good. True wisdom and public economy require that such laws of nature and trade be not neglected or disregarded.

Mr. Seward, in 1860, speaking from the steps of the court-house in Saint Paul, gave expression to his enthusiasm in these words:

I have never until now occupied that place where I could grasp the whole grand panorama of the continent, for the happiness of whose present people and of whose millions of millions it is the duty of an American statesman to labor. * * * Here is the central place where the agriculture of the richest regions of North America must begin its magnificent supplies to the whole world. On the east, all along the shore of Lake Superior, and on the west stretching in one broad plain, in a belt across the continent, is a country where State after State is yet to rise, and whence the production for the support of human society in other crowded States must forever go forth. * * * I now believe that the last seat of power on the great continent will be found somewhere within a radius not very far from the spot where I stand, at the head of navigation on the Mississippi River, and on the great mediterranean lake.

Mr. Chairman, let us go in imagination and stand where Seward stood, and take one ravishing view of this glorious heritage. Standing there and looking toward the South, eighteen great States and two Territories lie stretched out before us "like giants reposing in their slumbers," while on either side rise in majestic grandeur the Alleghany and the Rocky Mountains, forming nature's rock-ribbed frontiers to what might be a mighty empire within itself. At our feet lie Minnesota and the great grain States of the Northwest, fast becoming, in their very infancy, the granary of the world. Farther to the east lie great Ohio, now becoming the young mother of Presidents, and glorious old Virginia which must now yield the budding honor of motherhood to her fair daughter and consent to be called and honored as the grandmother of Presidents in the future.

Farther east lies sturdy Pennsylvania, "the land of brotherly love," wombing untold and fabulous wealth in her rugged mountains. Below these lies hospitable Kentucky, the land of Daniel Boone and great "Harry of the West;" and by its side gallant Tennessee, the "Volunteer State" and the home of "Old Hickory Jackson." Looking far down south through the misty distance we catch a glimpse of beautiful Mississippi; Arkansas, the land of Davy Crockett; fair Louisiana, and Texas, the "Lone Star State," the brightest in the galaxy of States. Does not the heart swell with patriotic pride as this grand panorama passes in review before us? Sir, is not my enthusiasm pardonable? Is this not a work worthy of the best efforts of a great and growing nation?

In conclusion, I will say to those who now oppose this great work of improvement and progress, that when the time shall come, as it will, when the gathered forces and floods of this great system of waters shall have been made obedient to the genius of American engineering, and the great Father of Waters shall bear upon its bosom in security and safety the wealth and fortunes of the mightiest empire on the earth, and distribute blessings and benefits to the teeming millions upon its shores and to every part of the habitable globe, standing aloof and abashed they may well exclaim:

Shake not thy *golden* locks at me,
Thou canst not say I did it.

Mr. BAYNE obtained the floor and said: I yield fifteen minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. ROBERTSON. I rise to a question of order. The gentleman from Mississippi [Mr. CHALMERS] who is in charge of the time allotted to our committee is now absent. I was under the impression that two hours were allowed to this committee. I so understood the gentleman from Kentucky [Mr. BLACKBURN] who has control of this matter.

The CHAIRMAN. The gentleman from Mississippi has not had charge of the entire time of the committee. He had charge of one hour, and has consumed it. The floor now belongs to the gentleman from Pennsylvania, [Mr. BAYNE,] who yields fifteen minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I ask for the reading of the amendment proposed by the Committee on the Mississippi Levees.

The Clerk read as follows:

In Rule X, line 25, page 31, strike out "11," and insert "13."
In Rule XI, clause 21, page 33, insert "to the improvement of the Mississippi River and its navigable tributaries, and all surveys and estimates relating thereto.',

Mr. REAGAN. It is to the latter amendment that I invoke the attention of the House for a few moments. I desire to point out what would be its probable, if not its necessary, effect if adopted. It proposes to confer upon the Committee on the Mississippi Levees and Improvements the preparation of a bill or bills appropriating money to improve the Mississippi River and its tributaries. If appropriations have not already been made for the harbors and the remaining rivers of the country it would leave the jurisdiction of those to the Committee on Commerce.

Now, as a friend of river and harbor improvements, desiring their success as one of the great agencies in promoting the welfare of the country, I suggest that this amendment is full of danger. I call attention to the fact that in each river and harbor appropriation bill for the last four years—I do not undertake to speak of what preceded that period, for want of special familiarity with it—in each bill within the last four years for the improvement of the navigable waters of the United States, the Mississippi and its tributaries have been made specially prominent on account of the great interests and necessities referred to so eloquently by the gentleman from Mississippi. By analyzing the appropriations it will be seen that the Mississippi and its tributaries have had their full share of each appropriation for rivers and harbors. They have never been neglected by the Committee on Commerce. The importance of those great rivers has never been underestimated; the commercial interests of the people who occupy the States and Territories bordering on them have never been overlooked or disregarded in any river and harbor appropriation bill.

The particular point of danger to which I desire to call attention is this: If you confer upon a committee power to prepare an appropriation bill for the improvement of the Mississippi River and its tributaries, (which would amount to perhaps about half the navigable waters of the United States,) it would, in my judgment, become impossible to get any more appropriations for the improvement of that great river and its many tributaries. Why do I say this? Because it is my belief, (each member, upon the facts within his knowledge, will determine whether this belief is well-founded or not) that no bill proposing appropriations of money for one-half the navigable waters of this country, excluding the others, (whether such bill comes from the Committee on Mississippi Levees or from the Committee on Commerce,) will ever receive the sanction of this House. If you are to improve successfully the navigable waters of the United States you must enable one committee to deal with the whole question—to compare the needs of the various rivers and harbors of the country, and equitably and fairly adjust the appropriations according to the importance of these several rivers and harbors. Suppose this jurisdiction is conferred as proposed, and the Committee on Commerce should bring in a bill to appropriate money for the Atlantic waters and the Pacific waters, do you suppose it could ever pass this House? I have no expectation, no belief, that it could possibly do so.

I think, therefore, that if my friend from Louisiana should succeed in securing the adoption of the proposition which he has reported as the judgment of his committee in favor of dividing these appropriations, he will strike down the very object which it is his intention to promote, and will render it impossible to go on with the expenditure of the millions which we have appropriated in the past for improving the navigation of the Mississippi River and its great tributaries.

This is the chief objection I have to the amendment—not simply because of the claim to jurisdiction. If it is the sense of the House that any other committee can better deal with the subject of appropriating to the improvement of the navigable waters of the country than the Committee on Commerce, let the subject-matter be referred to another committee. But whatever committee takes it, let it take the whole subject. Otherwise you defeat, in my judgment, all hopes of future improvements upon navigable waters, all hopes of promoting security and cheapness of transportation and reducing the cost of insurance.

This is all I desire to say upon that point now. My eloquent friend from Mississippi urges the taking away of this much of the jurisdiction of the Committee on Commerce, on the ground that it will relieve the country from having money appropriated for the improvement of "dry creeks and spring branches;" that it will relieve the country from the selfishness, the corruption, and the weakness of the Committee on Commerce. I am sorry I do not see my friend in his seat, for I wanted to say, and I would rather have said it in his presence, that it may be a misfortune of the country that the Committee on Commerce does not enjoy the association of one so able, so earnest, so honest as himself.

It may be a misfortune the members of that committee have not the integrity, have not the virtue, have not the honesty to report a fair and just river and harbor bill. It may be a misfortune of the country we report bills to improve "dry creeks and spring branches." I had heard something of this before. I confess, when a member rises on this floor and uses language like that, I must be allowed to indulge a feeling of astonishment as well as the expression of my regret. What dry creek has ever been appropriated for? What spring branch has ever been appropriated for? What member of this House, respecting himself, can make such an assertion on this floor? I say respecting himself, in reference to whether he should respect the men assailed or not. I have explained all this before, repeatedly, that the Committee on Commerce, since I have been on the committee, have never made an appropriation that was not for the improvement of waters navigable by steam-vessels. It never made an appropriation which was not made pursuant to survey and estimates by the Engineer Corps of the United States and under the authority of the recommendation of the Engineer Corps.

Why, then, should gentlemen attempt to belittle a committee of this House or attempt to degrade the action of the House in making such an assertion so utterly unsustained by any solitary fact, so utterly at variance with the truth? Is there not enough in these questions to enable us to act on principles of common fairness and justness when we come to deal with them, and to deal with our adversaries as if they where disposed to do right and to deal justly with the country?

The gentlemen from Mississippi [Mr. CHALMERS] took a further objection, and it was the same taken by my friend from Virginia [Mr. CABELL] in advocating the claim of the Committee on Railways and Canals on this subject, that the original jurisdiction of the Committee on Commerce was over the foreign commerce of the country and not intended to embrace the right to report appropriations for the improvement of rivers and harbors. Why, sir, we are not discussing the past rules of the House, we are disposing of the report of the Committee on Rules which is before us, and we are to be governed by the adoption or rejection of the rules before us as to what jurisdiction we mean to give to each of the several committees of the House. But, sir, going behind them to the rules as they were, I submit my friends have greatly misunderstood the rules and the practice of the House when they assert that the Committee on Commerce has in any instance unjustly or improperly usurped power over this or any other subject. I assert it has acted under the rules of the House and according to the practice of the House at all times. I assert that its practice of reporting under the authority of this House bills for the improvement of rivers and harbors commenced in the year 1816. Among the first bills ever acted on by Congress on this subject and passed into laws were those reported by the Committee on Commerce. It continued for several years to be the exclusive committee which reported bills for the improvement of rivers and harbors. Subsequently, and for a time, the Committee of Ways and Means reported a few bills, but all of them only aggregated about $7,000,000 of appropriations. From 1854 to now the Committee of Ways and Means has never reported any such bill. From then until now the Committee on Commerce has made the recommendation and reported upon all the bills which have passed coming down through all the years since then. Upon these reports more than $60,000,000 have been appropriated.

It is true, sir, that under the rule creating the Committee on Railways and Canals in 1831 there is an expression which would give the jurisdiction of rivers and harbors to that committee; but from the fact that the rule was so shaped on the concurrent and simultaneous practice of the House under the power to regulate commerce, the Committee on Commerce continued to make appropriations which ought to have been satisfactory as to the purpose of the House and have exonerated the Committee on Commerce from any unjust usurpation.

Mr. CABELL. May I ask my friend from Texas a question?

Mr. REAGAN. Certainly.

Mr. CABELL. Is it not true that for seven years after the adoption of that ninety-fourth rule no bill for the improvement of rivers was brought here by the Committee on Commerce?

Mr. REAGAN. Nor by any other committee.

Mr. CABELL. Wait a moment. From 1841 for seven years following did not the Committee on Railways and Canals offer to the House bills for the improvement of rivers, which bills were referred to the Committee of Ways and Means just as the bills from the Committee on Commerce were referred to that committee? I am speaking of the bills which passed into laws; and the Journal does not show that any bill reported by the Committee on Roads and Canals ever passed into a law.

Mr. REAGAN. But, sir, I would call the attention of the committee to the fact that about thirty or thirty-two years ago a very full debate took place in the old Hall of the House in which the Committee of Ways and Means, the Committee on Roads and Canals, and the Committee on Commerce contended for the right to control this bill. The result of a full debate upon the subject was that the Committee on Commerce was charged with the duty of reporting the bill to the House; and this was the solemn judgment of the House after full debate and hearing the claims of the several committees. It is true also that the chairman of the Committee on Roads and Canals in the Forty-fourth Congress claimed jurisdiction of the subject, and the then Speaker of the House decided that the matter properly belonged to that committee; and from this decision there was no appeal. It is true also that in the Forty-fifth Congress the Committee on Roads and Canals made a report claiming jurisdiction of this bill, and after full debate it was the judgment of the House that the Committee on Commerce shall have the control of this bill.

[Here the hammer fell.]

Mr. KING addressed the committee. [His remarks will be found in the Appendix.

Mr. BAYNE. Mr. Chairman, I had not intended to make any remarks on the amendment proposed, supposing the representative of our committee, who had been delegated for the purpose, would present to the House such reasons as would influence, perhaps, its mind to vote in favor of the amendment. There is one thing very certain, and that is, that this committee which we represent occupies an abnormal position in its relations to the system of rules which has been devised by the Committee on Rules for the government of the action of this House. In all respects it seems to be admitted by the new theory of the rules that appropriations shall go only to the Committee on Appropriations; that one committee shall have exclusive and entire supervision of the appropriations made by this House for all public purposes whatsoever. It is claimed by the Committee on Commerce that it should have exclusive jurisdiction of all such appropriations as may be necessary for the improvement of the rivers and harbors of the country.

And I infer from the support which that committee has received in the progress of this debate, that the committee will triumph when it comes to a vote on that proposition. In the event of such triumph the committee which I have the honor in part to speak for will be left in a worse predicament than it would be by the new system of rules. As it is proposed by the new system of rules, every committee which desires an appropriation and whose duty it is to consider the subject of such appropriation has to come cap in hand before the Committee on Appropriations and demand what it may need for the special branch of the service which it represents. In the event of the adoption of these rules, with the change suggested by the Committee on Commerce, the Committee on the Improvement of the Mississippi River will have to suggest such an amount as it deems necessary for the improvement of that river and for the improvement of the levees, and then come cap in hand to the Committee on Commerce and that committee will recommend to the Committee on Appropriations the amount it should have. It is thus degraded to a third place and will have no opportunity or no standing on the floor of the House to advocate its purposes, but will simply require to advocate those measures and propositions before the Committee on Commerce. This is an unenviable attitude for any committee to occupy. Even to oe only ancillary to that august body the Committee on Appropriations is a position against which many members of this House have during the progress of this debate pitted themselves. It is one which the Committee on Naval Affairs, the Committee on the Post-Office and Post-Roads, and the other committees representing the various branches of the service have opposed, because they believe that in advocating appropriations for the particular branch of the service which they represent they should be heard upon the floor of the House.

I think myself that debate should be distributed among a larger number than it is now limited to. That is a privilege which is now held by the aristocracy upon the floor of this House; an aristocracy not by virtue of blood, but by the creation of the rules and the appointment of the Speaker. I agree in the sentiment which has been so ably advocated by many gentlemen, that the right to present such arguments as they may deem proper and influential should reside in those committees, and that they should have the right to present those arguments upon the floor of the House. I therefore heartily favor the amendment suggested by my colleague, [Mr. SHALLENBERGER,] and so ably advocated by him. The amendment suggested by the Committee on the Improvement of the Mississippi River and its Levees is in harmony with the proposition contained in the amendment of my colleague. It is that that particular committee which has jurisdiction of the Mississippi River should have in addition thereto jurisdiction of its navigable tributaries, and that the committee should suggest directly to the House the amount of money needed for the purpose of improving the navigation of that river and its navigable tributaries. Now, why should not this power be lodged in that committee? The gentleman from Texas [Mr. REAGAN] suggests that if adopted it will defeat appropriations for the many rivers and harbors of the country. The implication of that argument is that there will not or cannot be such merit *per se* in the proposition which comes from the Committee for the Improvement of the Mississippi River and its Tributaries, and for the separate propositions which would come from the Committee on Commerce for the improvement of the lakes and the harbors as would commend them to the judgment of this House.

The suggestion of the chairman of the Committee on Commerce implies that it is necessary to effect a combination of some sort in order to secure the appropriations for rivers and harbors. If it be necessary to effect a combination, then I say that the charge made by my colleague on the committee that the Committee on Commerce must resort to means not altogether commendable must prevail. I take it that if the Committee on the Improvement of the Mississippi River presents to this House a measure for the improvement of that river and for the improvement of its navigable tributaries which is on its face a righteous, just, and proper measure, this House will sustain it. If it is not such a measure it ought to be voted down. And I take it that it does not need the aid of the Committee on Appropriations at the outset to enable this House to vote intelligently on a proposition for the improvement of the rivers of the country. I say, therefore, that when the gentleman from Texas opposes, as he does, the proposition to take away from his committee the power now lodged in it, and when he assigns as a reason for not taking away that power the fact that appropriations will not be made for the improvement of the rivers of the country if it be taken away, he admits that there must be some arrangement, some understanding, some log-rolling operation which secures appropriations, and that these measures do not depend on their inherent merit.

Now, Mr. Chairman, it strikes me that the power asked to be conferred on the Committee on the Improvement of the Mississippi

River by the amendment proposed by its chairman ought either to be conferred upon the committee or the committee ought to be abolished. One of two things ought to be done. The committee should have functions, and perform those functions, or it should be put in the limbo of past things, and not exist merely in name. And it exists merely in name unless you confer upon it some authority to carry out the measures which its own judgment may suggest, or which the commission appointed under the auspices of that committee may devise for the improvement of the river. This power it should have, or else the committee should be deprived of existence altogether. And I take it, if this power be conferred upon the committee, the danger apprehended by the chairman of the Committee on Commerce will not be realized at all. It is the policy of the Government, recognized and approved by the people of the United States, that the natural highways of the country should be improved, and that money should be expended for their improvement. That policy has grown in favor so that it now commends itself to the judgment of nearly all the people of the country. There existed in the past, as we all know, in the minds of a respectable party in this country the idea that expenditures of that sort were at variance with the Constitution, and consequently should not be made. It is now recognized, however, that such expenditures are proper, and the most strict constructionist of the Constitution is now willing to come in and obtain the largest possible appropriation for the rivers and harbors that border on his district. It is generally conceded now, I believe, that wherever in this country there is a navigable stream, money should be appropriated for the improvement of that stream if needed.

Now, sir, look at the condition of the Committee on the Improvement of the Mississippi River. The Ohio River, which runs from Pittsburgh to the Mississippi River, bears upon its bosom an immense amount of commerce. Yet it is not ordinarily in nearly so navigable a condition as the Mississippi River. Indeed it is only periodically that the Ohio is in a navigable condition, while, for certain kinds of heavy craft, as I understand it, the Mississippi River is navigable at all seasons of the year, with the exception now and then of a very brief period, for all kinds.

Congress has authorized the appointment by the President of a commission to survey the Mississippi River, to ascertain its depth, to ascertain the character and quality of the soil at the bottom of its bed; to ascertain and recommend what plans, if any, should be adopted for the improvement of the navigation of that river. The proposition for that commission came from our committee, and the commission is now acting. Distinguished engineers are at the head of it and we may expect it soon to report. It will perhaps say that so much money is needed, and that if so much more money shall be appropriated for the improvement of the navigation of the Ohio River, it would also improve the navigation of the Mississippi River, because, as I understand, by the new system of dams that is now obtaining in this country and has obtained for some time in Europe, the economy of water, the saving of the water, is the most important factor presented by that system. By the economy of water in the navigation of the Ohio River, which will be had by the adoption of the new system of dams, the navigation of the Mississippi River will also be improved. It is important that the Ohio should be navigable at the same time with the Mississippi, in order that there may be an uninterrupted flow of commerce from the head of the Ohio River to the mouth of the Mississippi. All these suggestions will come in here, and we will be asked to approve the action of this commission, to appropriate money, and perhaps to vote more money for the extension of the commission. All these things will come before us under the auspices of our committee; and yet the committee which suggested these things, and from which these propositions should properly emanate, will have no voice in pressing the appropriation of money for the improvement of this vast system of rivers. The Mississippi and its navigable tributaries constitute substantially the natural highways of the inland commerce of the country. These rivers are by nature parts of one system whose integrity should not be broken. It reaches out in all directions and invites the enjoyment of its benefits. Whatever affects a part of this system affects the whole. The most remote navigable tributaries, if improved, will swell the tide of commerce. The study of the wants of any part involves the contemplation of the whole. It seems to me, therefore, the most reasonable and proper thing in the world to place the consideration of this subject in the hands of one committee. This end will be accomplished by the adoption of the amendment we propose.

I hope, therefore, the House will sustain this amendment, and I hope it will also sustain the amendment of my colleague, [Mr. SHALLENBERGER.] In the distribution of the moneys of the people, it is proper that the whole matter should be brought to the eye of a common committee for revision at last. I believe that is necessary to the preservation of the public Treasury. But while I advocate that, I believe also that the question of examining the interests of the people, of their commerce, of the improvement of the rivers, should be distributed among the various committees of the House, so that each one of them shall have an opportunity of advocating its measure and submitting to Congress the appropriation of such an amount of money as may be necessary to accomplish the object.

I now yield five minutes of my time to the gentleman from Massachusetts, [Mr. HARRIS,] my colleague on the Committee on the Improvement of the Mississippi River and its Levees.

Mr. HARRIS, of Massachusetts. I had not intended, Mr. Chairman, to participate in this debate at any time. But I am prompted now to call the attention of this House to the fact that it has determined to create a new committee for the purpose of ascertaining if possible what ought to be the future policy of this country with respect to the navigation of the Mississippi River and its tributaries.

You have committed to that committee the great question of whether that river can be controlled in time of floods so as to be safely navigable, and also whether it can be made navigable in times of low water. These are problems to be settled which will require the assistance of the ablest minds of this country. The committee is charged with the duty of hearing and investigating the subject, and of coming at last into this House, I suppose, to report the result of its investigation.

It seems to me that such a committee as this should at some time have the power to say whether the true policy of the Government requires that special appropriations shall be made for this purpose. But as the rules now stand that committee with its important duties must lay its conclusions at the feet of the Committee on Appropriations. Nay more, in order to be successful it must instruct that committee and teach it what it has itself learned before there can be any hope of an appropriation for the improvement of that great river.

I speak, Mr. Chairman, from an experience of now nearly seven years in this House, first on the Committee on Indian Affairs, where I learned how utterly powerless was that committee to control or to guide or even to point out the policy which this Government should adopt in the management of Indian affairs.

For nearly five years now I have served—faithfully, I trust—upon the Committee on Naval Affairs. And I am to-day convinced that that committee, important as it is, is utterly without power upon this floor. With one hundred and forty-two vessels in the Navy, thirty-three of which are rotten and worthless, twenty-seven of which are mere tugs and good for nothing in time of war, and only forty-two ships of war, beside iron-clads, which can go to sea and serve as vessels of war, yet Congress refuses to appropriate one dollar to build up the Navy. The Committee on Naval Affairs may come to the conclusion that the safety of the country requires the construction this year of ten new ships of war. We may come in with our bill proposing that this work be done; but if our bill becomes a law we must wait until next year before an appropriation can be obtained for the purpose, no matter what the exigencies of the country may be.

Mr. Chairman, I believe that the time has arrived when these various committees should have power to come in here and be heard at any time with their bills recommending what the future policy of the country should be upon such questions as naval affairs, military affairs, and Indian affairs. I maintain that the Committee on Naval Affairs of this House as now constituted (and I make no apology for the remark) is as competent to come into this House and say what ought to be the policy of the Government on naval subjects as is the able Committee on Appropriations. If I have the opportunity I shall vote for the amendments which have been proposed here distributing the powers of this House among the committees charged with the especial consideration of the national policy upon these several subjects. Without trespassing further upon the time of the House, I will conclude with the remark that if this great committee on the Mississippi River is to be useful to the country, it should be clothed with the right to be heard when the time arrives for it to make its report.

Mr. BAYNE. I yield the remainder of my time to the gentleman from Connecticut, [Mr. HAWLEY.]

The CHAIRMAN. The gentleman from Connecticut will have eighteen minutes.

Mr. HAWLEY addressed the committee. [His remarks will be found in the Appendix.]

Mr. CANNON, of Illinois. Mr. Chairman, I do not pretend to be a good parliamentarian, and my knowledge of the rules of the House comes from experience; and sometimes it has been an unpleasant experience, especially when I have been tripped by their operation when charged with matters under consideration. The object of rules is to facilitate the business of the House, to get the best action possible in the least time, and I am satisfied the rules reported by the committee are a very decided improvement upon the present rules. If in nothing else, a number of obsolete rules are dropped out, and there is order and consistency in the codification where now there is disorder and inconsistency; and while in some respects, if I had power to adopt rules governing the House, I would amend the proposed rules, yet I will cheerfully vote for the adoption of the report of the committee as a whole even in event no amendments are made.

It is impossible for any one member to master all the business of the House; indeed, but few members can answer the many drafts upon their time by constituents and master the business of any one committee of the House. Therefore the House is divided into committees, to which the business of the House is referred for preparation, report, and action, and every facility should be given to the committees to report and to the House to consider the reports.

Under the present rules committees report in the morning hour for consideration, and it is no uncommon thing for a single report to be locked up in the morning hour for days, and even weeks. In the mean time no other committee can report, except privileged matters. Under the operation of clause 2, Rule XXIV, and Rule XIII of the codification this is remedied, so that every committee can report

almost daily, and the bill is printed with the report and placed upon a calendar for consideration by the House whenever a majority shall desire. I feel quite sure the operation of these two rules will, to a very great extent, counteract the tendency to legislate upon appropriation bills by enabling the committees to promptly bring their reports before the House for consideration. Clause 7 of Rule XI, which requires the Committee on Commerce to report the river and harbor bill for reference to the Committee on Appropriations, has given rise to much discussion, and in some instances an exhibition of temper.

In my opinion, it makes but little difference whether it is adopted or not, for the reason that the practice has grown up to pass the river and harbor bill under a suspension of the rules by a two-thirds vote, and if this clause is adopted I am satisfied the rules would be suspended, including clause 7, and the bill passed as heretofore, so that to my mind it makes no practical difference whether the provision requiring the river and harbor bill to be reported for reference to the Committee on Appropriations is adopted or rejected.

I now desire to address myself to the proposed amendments to Rule XI made by the gentleman from Mississippi, [Mr. HOOKER,] which in effect takes from the Committee on Appropriations subjects relating to the appropriation of the revenues, and refers them to a number of committees; or, in other words, enables the Committee on Military Affairs to report the general Army appropriation bill, the Committee on Naval Affairs the general naval appropriation bill, &c., thereby making some seven or eight appropriation committees instead of one Committee on Appropriations.

I have no personal feeling as to this matter, and in my votes shall only seek to adopt those rules that will facilitate the public business and subserve the public welfare. I do not believe the amendments of the gentleman from Mississippi should be adopted; for the reason, among others, that each matter of legislation should stand for consideration and passage upon its own merits. If you group many matters of legislation in an omnibus bill, the meritorious measures frequently drag through the objectionable and vicious measure, and this is especially the case where matters of general or special legislation are hitched to one of the general money bills. The general appropriations must be made or the Government stops, and the practical result of the gentleman's amendment, if adopted, would be that all matters of legislation for any one session touching the Army would become a law in connection with and upon the Army appropriation bill; and all matters of legislation touching the Post-Office would become a law in connection with and upon the Post-Office appropriation bill, and so with the bills from the other committees. Such proceeding, in my judgment, would result in unwise and vicious legislation.

In theory and practice the appropriations of moneys for the support of the Government should be made in pursuance of existing law, and no legislation whatever changing existing law should be in order upon a general appropriation bill. I am satisfied that much of the dissatisfaction with the Committee on Appropriations arises from the amendment to Rule 120, which makes in order a provision changing existing law upon a general money bill if it shall retrench expenditures, under which the practice is gradually growing up to admit almost unlimited legislation changing existing law upon a general money bill. This provision of Rule 120 is retained in the new rules as proposed by the committee in the latter part of clause 3, Rule XXI, and in my opinion should be stricken out.

Mr. ACKLEN. Will the gentleman let me ask him a question just there?

Mr. CANNON, of Illinois. With pleasure.

Mr. ACKLEN. Does the gentleman propose to strike out the words "nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures?"

Mr. CANNON, of Illinois. No, sir; what I propose to strike out are the words "except such as, being germane to the subject-matter of the bill, shall retrench expenditures."

So that no legislation should be in order upon appropriation bills in the first instance.

Mr. ACKLEN. Right there I would like to know if it would not be in order to increase the salaries.

Mr. CANNON, of Illinois. Not at all; and if there be any doubt about that proposition we can provide for it by an amendment. I desire legislation of no kind upon appropriation bills.

Mr. ACKLEN. Will the gentleman allow me to read to him, as he says there can be no doubt about it, what is the decision in the Digest on that very point?

Mr. CANNON, of Illinois. I will save the gentleman the trouble of reading the decision referred to in the Digest. I understand that there was a former ruling made in the House, under this rule before it was amended, that in certain cases legislation that looked toward an increase of salaries was in order. Now, I do not believe that ruling was a good one. But whether it was good or not, I would cut up by the roots that kind of legislation as well as all other kinds. In other words, I would have no legislation of any kind upon a general appropriation bill, as it passes the House in the first instance, changing existing law.

Mr. ACKLEN. The gentleman could not obtain that by the amendment he proposes; and it was to that point I desired to call his attention. The ruling was different in the Forty-fourth and Forty-fifth Congresses.

Mr. CANNON, of Illinois. I am not discussing this question except as a general matter of policy. Whether or no my amendment is a good one to attain the object desired is another thing. I think it is. But when we come to consider this matter under the five-minute rule, if I am not apt in my amendment I know that my friend from Louisiana will be.

This provision was added in the Forty-fourth Congress. I recollect in the Forty-third Congress that very little legislation changing existing law was put on the general money bills in the first instance, and when it was done it was by a suspension of the rules on a two-thirds vote, making it in order. The result was that the other committees of the House were vigilant, and reported legislation, which was considered and passed by the House. It is true that in many instances the Senate would take such House bills, and with or without amendment, as a matter of convenience, amend the general money bills by attaching them thereto, and in that way such legislation was had on money bills, but, in fact, ordinarily the legislation changing existing law on money bills was first reported from the appropriate committees in the House, and passed as a separate measure. I am satisfied that we should return to the former practice at once.

Mr. Chairman, a stranger listening to the debates for the last few days upon the rules would suppose that the committees of the House of Representatives were supreme and the House a mere sideshow, a useless appendage to the committees; especially have many gentlemen been severe upon the Committee on Appropriations.

Now the House is supreme, and the committees are the mere servants of the House to prepare and report measures for the consideration of the House under the rules, and this much-abused Committee on Appropriations in reporting and recommending measures for the consideration of the House is exercising the privileges of the House and in no sense exercising its own privileges, and there is no time from the moment a bill is reported by that committee to the House until it is passed that it is not at every step under the absolute and unconditional control of a majority of the House or Committee of the Whole, and it is in the province of a majority of the House to refuse to order the previous question and take the bill from the management of the committee at its pleasure, and I fail to see the propriety or correctness of attacks that are constantly being made upon the committee in this respect.

The committee is charged with grave responsibilities It is required under the rules to report annually general money bills appropriating almost $200,000,000 for the public service; it must defend the bills as reported and antagonize individual members in amendments offered whose constituents have special interests to be promoted, make points of order upon and otherwise antagonize amendments that are not in the line of public policy or would unduly swell the aggregate of the appropriations. In all this it is but the instrument in executing the will of the House; and it is no uncommon thing for individual members, smarting under what appears to them unmerited defeat in some pet project, to curse the Committee on Appropriations instead of the House for the failure, to smite the instrument instead of strike at the House who uses it. I know how it is myself, for I have frequently been sat down upon in this way by the House through the Committee on Appropriations.

But it is said that the committee to whom these general money bills are to be given over have nothing to do, and they would do the work better than it is now done. I have before stated why I think it bad policy to give the committees this additional jurisdiction, and now want to add, there is no one of the seven or eight committees that it is proposed to make into appropriation committees but has more now to do in maturing and recommending general legislation than they can or do accomplish. Indeed, I am satisfied that you may take the thirty-seven or thirty-eight other committees that are not charged with the preparation of these money bills by the amendment of the gentlement from Mississippi and almost all of them are or will be extremely busy if they will exhaust the business that is referred to them under the rules of the House.

Mr. ROBESON obtained the floor, and yielded to

Mr. SHELLEY, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the subject of the proposed revision of the rules, and had come to no conclusion thereon.

JANUARY 22, 1880.

REVISION OF THE RULES.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The Committee of the Whole resumes the consideration of the report from the Committee on Rules. The gentleman from New Jersey [Mr. ROBESON] is entitled to the floor.

Mr. ROBESON. Mr. Chairman, in accordance with an arrangement which I feel called upon to fulfill, I yield eight minutes of my time to the gentleman from Kentucky, [Mr. OSCAR TURNER.]

Mr. OSCAR TURNER. Mr. Chairman, I did not desire to trespass on the time of the committee upon this question; but inasmuch as a part of the time that was allotted to the Committee on Levees and Improvement of the Mississippi River was taken up by gentlemen on the other side I have concluded to offer a few remarks explanatory of the motives of our committee in offering the amendment proposed by Mr. ROBINSON. And I will take occasion right here to say that there was no intention on the part of any member of the Committee on Levee Improvements to cast any reflection upon the Committee on Commerce, much less upon my distinguished friend the chairman of that committee, General REAGAN, of Texas. We all entertain for him the highest regard as a legislator—I know that I do personally—and would not reflect upon him in any way. But, sir, the question that we wanted to present to the Committee of the Whole was this: that the improvement of the navigation of the Mississippi River and of its tributaries was a question so momentous and involving so much labor that the Committee on Commerce had not the necessary time to devote to that specific subject. We thought that the House ought to act in accordance and in analogy with the precedent that has been set heretofore in regard to the Committee on Pacific Railroads. It is well known that we have the Committee on Railways and Canals, which had a general jurisdiction coextensive with the Union; but notwithstanding that, when these railroads to the Pacific were projected a new Committee on Pacific Railroad was formed in this House on account of the magnitude of the work and the labor which would be required in investigations of a proper character.

Mr. Chairman, appropriations have been made for many years without any general plan by which the navigation of the Mississippi and its navigable tributaries were permanently improved; appropriations have been made for this point and that, as the popularity of a member might secure them, under a log-rolling system, in harbor and river improvement bills passed under a suspension of the rules without debate, in many instances appropriating public money to unimportant streams which I have not the time to refer to in my limited time. I refer to the defects in this system of improvements on the tributaries of the Mississippi as it has been carried on for many years, because it comes within my own knowledge and sad experience to know something about the matter, and because the people whom I have the honor to represent on this floor have felt the want of a proper and judicious plan of improvement of the Ohio River.

The amount of money which has been appropriated to the improvement of this river, which is the natural outlet of the larger portion of the agricultural products of Illinois, Indiana, Ohio, and Kentucky, might as well have been thrown into it, with but few exceptions. Small amounts have been appropriated to improve such particular points as could be secured by the influence of Representatives, with no view to any general or judicious system, but more to drop a few thousand dollars at a particular locality than to accomplish any general good.

Mr. Chairman, I will give you an illustration of what I mean. In the district which I represent is the city of Paducah, at the mouth of the Tennessee River, the emporium of Southern Kentucky and a part of West Tennessee, one of the best manufacturing points west of the Alleghany Mountains, with an inexhaustible amount of iron, coal, and timber just above on the Ohio, Cumberland, and Tennessee Rivers, all of which could be utilized and made to add to the general wealth and prosperity of the country; and besides this Paducah is surrounded by the finest tobacco-growing country in the United States, and is the second largest tobacco market west of the mountains, and yet we have been forced, poor as we are, to build railroads at our own expense, with no subsidies from the Federal Government, and at an immense and ruinous cost to our people, to remove the products of honest labor and to give an intercourse with other points on the rivers.

And why is this? Nature has given us the Ohio as a great highway, the Tennessee and Cumberland empty into the Ohio at our very doors, and we are only fifty miles from the mighty Mississippi; and yet, Mr. Chairman, we are debarred of these great natural commercial advantages because there is a ledge of rocks in the river called the Grand Chain, and one bar just above the mouth of the river, locking in not only our commerce, but the whole commerce of the States lying on the Ohio, Cumberland, and Tennessee by reducing the water at these points to 30 inches in the summer months, and forcing us to resort to railroads, with their high and extravagant rates of carriage, which swallow up the profits of the farmers and the artisans of our country. These barriers would not block a single harbor in the Northern States twelve months. The money would have been appropriated to remove them as soon as it was suggested, as the appropriation annually of millions to northern harbors shows.

Mr. Chairman, allow me to say something here in reply to an observation which was made by my distinguished friend from Texas, [Mr. REAGAN,] who said that there had been a spirit of liberality exhibited toward the Mississippi River and its tributaries by the Committee on Commerce. I desire to invite the attention of this House for a few moments to that matter. Since those improvements commenced we have had appropriated for that purpose only $7,000,000, while over $200,000,000 have been appropriated for the improvement of northern harbors and unimportant rivers. Now let us look at the equity and justice of this thing.

In 1878 the State of Kentucky paid over $6,000,000 into the Treasury, as shown by the report of the Commissioner of Internal Revenue, which I have here. The district part of which I have the honor to represent paid about $1,000,000 into the Treasury in that year.

I will refer to the amount paid into the Federal Treasury by States along the Ohio River since 1863. Illinois has paid $213,673,726.50, Kentucky has paid $101,012,299.47, Indiana $72,664,558.61, and the great State of Ohio $246,397,075.46 of internal revenue since 1863. As I have said, Kentucky in the last twelve months reported by the Commissioner has paid $6,880,614.15 into the Federal Treasury, which is more than double the amount paid by all the New England States in the same length of time.

Now, what have we had in return? It is true that we have not been urgent in our claims before Congress; but when gentlemen talk about the equity and justice that have been meted out to us I must say that I cannot see it. I do not contend that we ought to have improvements in proportion to the revenue which we pay; but it does seem to me that these facts ought to enter into the consideration of the question when we ask for an appropriation.

I shall vote to give entire jurisdiction over the subject of the improvement of the Mississippi River and its navigable tributaries to the Committee on Levees and Improvements of Mississippi River, but have no objection to the supervision of the report by the Committee on Appropriations, to regulate the amount annually; for I am opposed to any extravagant or useless appropriations for this or any other purpose, and only advocate giving the jurisdiction to this committee because I believe it will utilize such appropriations as are annually made, and will be in the interest of retrenchment and reform.

[Here the hammer fell.]

Mr. ROBESON. I rise to speak upon this subject, Mr. Chairman, with a consciousness that I am ignorant utterly of details, and therefore shall confine the few remarks I make to the discussion of general principles. I shall endeavor to be as compact as possible in the presentation of my ideas, feeling that it is proper that the committee having charge of this subject should have control of all the time that is left for general debate.

By the experience of ages, and the common consent of all intelligent men, rules are found to be necessary to the proper transaction of business in all large assemblies of men. The tendency of large bodies of men is always to excitement. Individual feeling grows by contact and association, and without the restraints of settled rules and organized systems, legislative assemblies would not be deliberative bodies, but would be liable to be swayed by the interests and the passions of the hour.

We often feel that rules are inconvenient, and I have heard it said more than once on this floor that they served only as means of obstruction. Mr. Chairman, they should be obstructive, for more than one-half the business which is thrown upon this House should never be transacted at all, and more than one-half of the remainder should not be passed until it is systematized and reduced in the alembic of deliberation through the slow processes prescribed by the rules.

Business should be analyzed by committees, generalized by reports, molded in the heat of debate, and cooled by the slow processes of the rules until the crude ore of governmental policy comes out of the furnace of legislation not only with the structure but with the temper that will make it enduring and useful. All good is produced by slow processes. Everything that is valuable in the productions of the human mind comes from thought and continuous labor. The easy and spontaneous productions of nature fade away like the snow before the morning sun; but the enduring structure and imperial essence of adamant are produced by the gigantic forces of nature through the processes of unnumbered ages.

Mr. Chairman, we all owe our thanks to this Committee on Rules. From an incongruous and incomprehensible mass they have deduced a system compact, simple, clear, and congruous. It is easily seen that they brought to their investigation the wisdom of mature years, the knowledge gathered by long experience, comprehensive philosophy, energy, industry and capacity. I do not say that their results are in every respect perfect. I think them faulty in one or two particulars. Let us reform those particulars if we can; but if we cannot, gentlemen of the American Congress, let us not fail to take them as they are. They are a vast improvement on anything that we have ever had, and amended or not amended they are broad in their compass, wise in their system, compact in their structure, and understandable in their details, and they are an immense improvement on anything we can hope to have if we reject them.

Mr. Chairman, the business of the country to be transacted in a great assembly like this must of course be committed to committees for examination, digestion, organization, and accomplishment. The general business of Congress divides itself naturally into three classes: first, legislation; second, revenue; third, appropriations. First, legislation for the purpose of doing the business of the country, for carrying on the Government, for securing the rights which that Government guarantees to its citizens, and for the progress and development of the country. These three general propositions include within their compass all the subject-matters of general legislation. The second class comprises the subject-matter of the revenue—the means by which the money of the country is to be raised and collected from

the people and the property of the country. The next and final division is, naturally, the appropriation of that money. Let me repeat—first, the requirements of legislation; second, the raising of the money; third, the application of that money.

It is not possible, Mr. Chairman, for any one committee to do all this business. No one committee can investigate and understand everything necessary and proper to originate legislation to raise the money for it, and to divide and appropriate that money. Therefore this House is divided into sub-committees to each of which is committed a portion of its business. These sub-committees are divided into three general classes, corresponding to the divisions I have indicated. To the great departmental committees and those of like nature are committed the legislation for the maintenance of the Departments, and for carrying on the business of the country. To them is committed the investigation, the digestion, the organization, and accomplishment of that business; and to them it should be left. They are specially delegated with those duties; they are specially clothed with those powers. They give to the different subjects special investigation and special study. By long continuance of service on particular committees they acquire a knowledge of systems and of details; and it is only by leaving legislation to them that you can have a settled and harmonious policy in any department of the Government.

Wise economy is brought about by system and settled policy; and you can have no really economical service in any department unless you have a committee which year after year and session after session, as long as the party which they represent dominates in the country, establishes a settled and continuous policy which can be worked out from its base to its consummation.

I have said, Mr. Chairman, that in the body of rules which this committee have reported I find one or two departures from system. I find that while generally they give the subjects of legislation to the appropriate committees, and while they give to the Committee of Ways and Means its appropriate duty of raising the revenue, yet they give to the Committee on Appropriations not only the power of appropriation in all cases, but in some cases the power of legislation also. This is a departure from the science of their system, and so far a mistake. I do not believe that the various committees to whom is intrusted the legislation of this country should also be intrusted with the appropriation of the money, because this last I hold to be the province of the Appropriations Committee—a committee which not only adds, multiplies, and subtracts, as my friend from Connecticut [Mr. HAWLEY] said yesterday, but a committee which must investigate, understand, and take into consideration the results of the action of all the other committees.

They must examine work of the Congress as a whole. They must take into consideration what are the requirements of each particular department as represented by its appropriate committees; what are the means supplied by the Ways and Means Committee, and looking over the whole field, and aggregating and considering the whole system, they must determine what it is wise to appropriate to each particular object. Not the objects, but how much can be appropriated to each. No individual committee, which has in hand only the interests of its own business, can possibly know what are the results of the work of all the other committees. This is not their province, and it is not expected of them. Therefore it is that this Appropriations Committee is necessary. It is a sort of universal solvent that deals with the results of the action of all other organized committees, and puts them in a systematic policy, for which the party which they represent is responsible. And when they have done that they have done all that they ought to do. They should be required to appropriate according to existing laws alone; and when the other committees, as the result of their labors, have established policies expressed through existing laws, it is the duty of the Appropriations Committee to abide by those laws, and to appropriate according to the deliberate sense of Congress as written upon the statute-book.

They have business enough on their hands if they assimilate, aggregate, make uniform, and compact all the work of the other committees.

Now, I find in the last clause of the twenty-first rule this provision:

> Nor shall any provision in any bill or amendment thereto changing existing law be in order—

So far exactly right—

> except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

That is to say, the whole subject of legislation, so far as it can be brought by the farthest stretch of refinement within the idea of present and future reduction of expenses, shall be committed to the Appropriation Committee—the power to destroy systems, the power to break down policies, the power to make laws which interfere with individual rights and public duties—and all this power given them when it is confessed they are not the committee who are charged with the investigation, the organization, and the development of the subjects upon which they legislate.

This is the defect in that system, almost the only defect that I can find in these rules. Strike that out, and each committee has its proper duty. Each investigates, decides, and enforces what shall be the policy of each department, making a uniform and consistent whole of legislation, and leaving with the Ways and Means the function of providing, and to the Appropriations Committee that of distributing the money to carry it out, looking to the business of the Government as a whole, and not to any particular interest.

But there is another objection to allowing this committee to legislate, more potent to my mind than any other, and it is this: When the Appropriations Committee puts legislation on an appropriation bill, they exercise duress on the judgment of the House and the legislation of the country. No man votes exactly as he would; no one is as free to act as if it were an independent proposition. All legislation is driven through under the whip and spur of the pressure of appropriations. You must submit to break up the half of your policy, or you must lose it all. You do not approve the particular proposition, but you must go for it, otherwise there will be no money for the uses of the Government.

I am speaking on this subject, and I mean to speak on this whole matter broadly, not in the interest of any party, not representing the views of any faction, with no spirit other than that which looks to the good of the country as a whole; and I appeal to you, gentlemen, legislators of the United States, as you are answerable to your own consciences and to your constituents, do you mean that the general legislation of the country shall be forced through under any kind of duress at all? This idea strikes at the very end and center of a deliberative body. The freedom of all deliberation and the freedom of all action will be gone where any such system prevails.

Now, sir, I do not know, because I have not sufficiently examined details, and am not sufficiently familiar with them to know, whether by merely striking out that exception we will reach the evil complained of or not, but I trust that some one before these rules are disposed of will bring in an amendment to them which will strike out this incongruity and leave this proposition which this Committee on Rules has presented a complete, compact, understandable, symmetrical whole. Here is the point at which they depart from their own principles, and that they do depart from principle a child can see, and he that runs can read as he runs. But a remedy is proposed to this defect which, to my mind, is worse than the disease itself; it is a proposition to give the appropriation in each Department to the committee which is intrusted with the legislation on that Department. That only multiplies the evils. All the legislation of the country would then go through on appropriation bills. Every committee intrusted with the business of a Department, working out its interests and accomplishing its results, after working through the session on the subjects involved, would embody in one bill of appropriation all the legislation they desired to have forced through this House. All freedom of action would be paralyzed, all discussion would be arrested, and all legislation, instead of being accomplished by free action and free discussion, would be passed on appropriation bills and under the pressure of the necessities of the various Departments for carrying on the Government. You must double this establishment if you would have it at all; you must reduce this service by one-half or you must lose the whole. This would be the argument and the incentive presented in every case.

And how is it possible for these individual committees, engrossed in their own work, wrapped up in their own purposes, seeking their own ends, how can they understand and take into consideration the results of the actions of all the other committees? The Naval Committee cannot know what the Military Committee is doing, and the Military Committee cannot know what is contemplated by the Post-Office Committee, nor can the Post-Office Committee know what is required by the Indian Department. They are not appointed nor have they the time or means to investigate all these subjects; nor, if they could, could they agree upon them with each other. They represent different Departments, developing different views, with different feelings and different interests, and they cannot come together as a whole and present to this House a requirement from each committee consistent with all the others. Therefore the remedy proposed, in my opinion, is worse than the disease. The real and simple remedy is to give the legislation to the committees who have charge of the subject. Give them that duty, that responsibility; let them take it; let them work up to it; trust them with it wholly, and let them have the entire duty and responsibility. They will be found worthy when they are intrusted with the responsibility. It is of the nature of man to rise to the level of the action of which he is a part. Intrust these committees with great responsibility, and these committees will be found worthy of the great trust, and they will each and all develop the power and the influence which should belong to them in this House and in its legislation.

But, Mr. Chairman, let them not on their side demand what is contrary to the philosophy of government and contrary to the organization of all deliberate bodies since intelligent representative government began. I will cite a single instance. The confederate constitution, if I am not misinformed, made by men experienced in the business of this assembly, actually provided, in effect at least, that no legislation should be upon appropriation bills, or at least that it should not have the effect of duress either upon the House or upon the Executive. I cite this as a single illustration which occurs of wise provision resulting from long experience.

It will be objected, Mr. Chairman, to this idea which I have endeavored to illustrate and enforce that in time of peace and in a country

like ours, where the Government and its operations are directed toward the development of the resources and the bringing out of the wealth and power of the country, that often appropriation is legislation, that it is impossible to divide by any distinct line over which it is not easy to step the functions of legislation from those of appropriation; that often mere appropriation is legislation. Be it so, Mr. Chairman, each subject-matter of legislation will grow in importance in Congress and before the country as the necessities and conditions of the Government require; each committee will grow in importance and in power as the subject-matter which is intrusted to it becomes important to the legislation of the country.

In time of war the Army and the Navy committees will be the leading committees of this House, no matter what other committees are organized or what ability is upon them, because the attention of the people is directed to the condition of the country and necessities which grow out of this condition of war. In times of great constitutional legislation and discussion, the Judiciary Committee and the Committee on the Revision of the Laws will step to the front, because they will then be in the eye of popular regard, since theirs will be the subject of interest to the people. An instance occurs to me, of which I will remind the House.

You all remember how some twenty or more years ago when Mr. Stephen A. Douglas was the acknowledged leader of the democratic party in the Senate of the United States, that he resigned his position as chairman of the Committee on the Judiciary, I believe, to take the position of chairman of the Committee on Territories, a committee which before that time had little of importance to attract any notice in the country or the ambition of any statesman. But he took the chairmanship of that committee and as the leader of its deliberations he occupied the attention of the country and controlled the legislation of the Government because the organization and government of the Territories was then the important subject which occupied the attention of Congress and the people.

In times of peace, then, when the simple progress of the country is the object of Government; when the development of its resources, the increase of its wealth, the wise building up of its power occupies the attention of the people, then it is right that this Appropriations Committee, which has the distributing of this money, should be the leading committee of the House, and no provision can take it from them. Theirs is the important function in the Government, theirs the position which has a right to govern and to control the action of this House. And let me tell you, gentlemen, one other thing—and I speak in no party sense, for I speak neither in the interest of any faction nor as the representative of any party—you cannot carry on the business of Government, for which the dominant party is responsible, unless you have one center of leadership. A dozen leaders will break up any party and destroy any system of government. I speak not for the present time merely, nor from my stand-point as a member of the minority, but I speak in the interest of all parties and for the good of the whole Government. I am a party man. I hold that they are the voluntary organization through which the will of the people is organized, expressed, and executed. In a country like ours, inclosing such a vast area, and presenting so many interests and feelings, the political sentiments of large masses of the people can only be organized around party standards representing great principles upon which these masses are agreed. These principles can only be enforced by party organization and action. Without this right principles will be powerless, for they will never have expression, and faith, however truthful, will be dead, since it is without effective works.

Now, gentlemen, do I speak as a partisan or as a man who understands and realizes that the business of the Government must be done, if it is done at all, by the dominant party in Congress; that it must by accomplished, if it is to be accomplished at all, by that party that has the majority and the power which belongs to the majority? And we all want it accomplished, even though we may not agree in all the particulars.

Gentlemen, you can have no proper control over legislation as a party, no settled policy, no successful accomplishment unless you have single and defined leadership; and whatever committee it is whose subject-matter at any time stands in the eye of public regard, whatever committee it is whose general business, to them intrusted, becomes the center of the attention of the country, that committee must of necessity be your leading committee for the time; and you are tearing down your own temple of power if you struggle to break down that concentrated power and effective leadership.

Mr. Chairman, I have already occupied more time than I have a right to consume under the circumstances of the case. I trust that the little I have said will be accepted as having been said without party spirit, and with a disposition to deal with the practical interests of the country and the real business that we have on hand. If I had felt justified in consuming more of your time, I might perhaps have stated my propositions more clearly, urged them with more logical power, and illustrated them with more convincing argument; but, such as they are, the House must take them in their crudity and digest them with their better wisdom.

Mr. FRYE. Mr. Chairman, the discussion of the report of the Committee on Rules thus far has seemed to me to be a contest between committees as to jurisdiction very largely; and it has developed much more of criticism than of commendation. Now, criticism is healthy, and I, for one, do not object to it; but commendation is, to say the least, agreeable, and I wish briefly to point out certain reasons why in my judgment the Committee on Rules is entitled to more of the latter and less of the former.

And first, I desire to pay a deserved tribute to the democratic majority of our committee. In these days, when party spirit runs high, when it permeates almost the whole body-politic, provokes bitter hostilities, jealousies, and dissensions, incites the majority to ride rough-shod over the minority, justifies or acquiesces in the overturning of the will of the people as expressed at the polls, seizes upon the government of great States in the face of the Constitution and the laws, it is indeed refreshing to record one instance, at least, where this spirit has been completely exorcised, where the decree, "Get thee behind me, Satan," has been fully executed. From the beginning of our deliberations down to the signing of the report there never has been the slightest evidence of partisanship on the part of the democratic majority of the committee; and I think they will bear the same testimony as to the republicans. There have been no heated discussions, no dissensions, no attempts to trample upon the rights of the minority. On the contrary, at the very outset we passed a resolution that no amendments to the rules should be made except by unanimous consent, and wherever we disagreed the old rules should be reported. Hence you find some rules here which have not received the indorsement of this committee, and to which your attention will be called.

Now, sir, we have had, I think, but one single purpose in all of our deliberations, and that has been to reduce madness to method, chaos to order, discord to harmony, duplicity to simplicity; to so revise, amend, and codify these rules as to make them aids to intelligent legislation. This was not an easy work to do, gentlemen. Many of you know that it was not a purpose easy of attainment.

Why, sir, these rules have been growing up since the foundation of our Government down to now, and with no natural regular growth. Necessities of parties, the whims of Speakers, contradictory decisions, the practice of the House, requirements of the occasion, uncertain and doubtful language—all these have combined to make a body of rules calculated better than anything else to disturb the legislator and to obstruct legislation; a body so full of intricacies and secrets that only the most skillful and trained anatomist could by any possibility dissect it and reveal them.

Many of you know this; for many of you sat down conscientiously and courageously to master this problem of the rules; and how soon have you found that a little knowledge was a dangerous thing, and that much was the work of a life-time. Why, sir, I remember perfectly well the first Congress I ever was in that it was almost impossible for me to prevent myself resigning, from the fact that I was a mere cipher, an utter nobody, because I could not penetrate the very outside door of this incongruous mass of rules. And you, gentlemen, many of you, have had the same feeling. When I appeal to you to know whether or not the purpose we had was easy of attainment you will say to me emphatically and feelingly, "no;" but it was worthy only of commendation and praise if undertaken and partially effected. You have had the report of our committee before you. It is full; it is complete. I have no doubt the most of you have read it with care. You see there our purposes, our methods, and the results. And are we not, gentlemen, entitled to some degree of commendation for what we have done?

Let me point out a few things, and I only will a few, because others of the committee, I suppose, are to follow me, and I will not trespass upon them. Take the first and what seems the simplest. We have undertaken to group all rules touching one subject under one rule, like "the duties of Speaker," like "motions," like "amendments," like "committees of the whole." Heretofore, if you desired to discover anything in relation to any one of these subjects you never knew where to stop until you had reached the very last rule in that book, while here you have it all at a glance. Now, sir, this was not a stupendous work for gigantic intellects; but it was a painstaking work, requiring great labor and great care. Are we not entitled to commendation for that? Again, there were some thirty or forty of these rules obsolete in whole or in part. How could the gentleman from Massachusetts, [Mr. HARRIS,] the first four years he was here, tell what was obsolete and what was operative, with no guide, nothing to point it out?

Now what, in the name of common sense, are our rules for? They ought to be guides, charts. Every sunken rock, every hidden ledge, every lee-shore, and every dangerous shoal is supposed to be marked with a buoy, a beacon, a light to be pointed out by lines and numbers, so that we can take our chart, and, observing it with careful eye, can pilot our little vessel safely through to a harbor.

Yet these rules are in fact no chart. Half of the sunken rocks have been blasted away; new ledges have been discovered, new reefs have been found; and yet there have been nomarks to show them, no numbers to indicate them. And if you undertake to be guided by that chart you would be in the condition of the pilot in the sound, who assured the captain that he knew all the rocks there. All of a sudden the vessel ran on a ledge, and the captain said to the pilot, "You infernal scoundrel! I thought you said you knew where all the rocks were." "So I do," said the pilot; "and there is one of

them." [Laughter.] That was about the only way a new member, at any rate, could tell where any sunken rock in this chart was—by running his vessel on it.

Again, there were practices of the House which had come to be law from long custom, yet which were in direct contravention of the rules. Again, there were rulings of the presiding officers which were diametrically opposed to each other on the same rule.

Now, gentlemen, we have undertaken to make an open pathway, and with guideboards to point the youngest member of Congress, so that if he has anything committed to his charge he can pursue his way to the end. Under the old rules, by the old pathway, when I, as a young member, took something which my constituents had intrusted to my care and started along boldly with it, thinking I saw the guideboard, all of a sudden the sharp gentleman from Michigan [Mr. CONGER] dropped an impassable barrier right across my path, and I retired to my seat dismayed, confused, disgusted with legislation and legislators, and with myself more than either. [Laughter.]

Are we not entitled to some commendation in this, that we have repealed the rules obsolete in whole or in part; ay, more, that we have made rules carrying out the practices of the House, which cannot be misunderstood; ay, more yet, that we have selected between contradictory rulings of the presiding officers of the House, and embodied that in a rule which commended itself the most as an aid to legislation?

I now come to some amendments which we have proposed, and I will take first that one which occurs to me to be the most important, the rule in regard to the calling of committees for reports. We have provided that there shall be a morning hour every day, except Monday, for reports from committees, and that that morning hour shall not be dispensed with except by a two-thirds vote. We have provided that the committees shall be called in regular order; that they shall report their business to this House, and that it shall go, not *may* go but *shall* go, at once, each class of business to its own proper calendar. We provide that public bills or business not making appropriations shall go at once to a calendar of the House, a new calendar which we have created. We provide that public business appropriating money shall go to a calendar of the Whole House on the state of the Union. We also provide that private business, whether appropriating money or not, shall go to the Committee of the Whole House on the Private Calendar.

How has it been heretofore? Why, gentlemen, you all know perfectly well that the morning hour has been almost entirely useless; that it has been directly obstructive to legislation. Take the morning hour under the rules as they now stand. A committee with business comes before you to occupy that hour in its turn. It makes its report to this House of some simple measure. Discussion springs up, and develops from its springing up, and grows from its development, and the first thing you know the morning hour is entirely consumed, and away that bill goes over to the next morning hour, when the same thing again takes place. Only one member of that committee, in the two hours to which it is entitled, has the privilege of reporting anything. He reports what he regards as the simplest bill in his charge, in order to afford the other members of the committee an opportunity to report their bills, and to his amazement the whole time assigned is consumed while nothing has been effected.

I have been on the Judiciary Committee for eight years, I think. The real weight of its business is not ready for report until three or four months after the beginning of the long session of Congress. That committee is called perhaps twice during the first month; then, according to my experience, it is hardly ever called again during the remainder of the long session.

Under those circumstances the committee applies for a night session of the House in which to bring forward its business, upon which it has labored and spent time and brains. The members of the committee come up here at that night session with hardly ever a quorum present. A bill is reported, discussion arises, dissension develops itself, a call of the House is made, and the entire session of the evening is utterly and entirely wasted, has been of no earthly use to the Judiciary Committee or to the country. Again and again and again the whole of the business of that important committee has been passed by, and all the labors of its members have been wasted. This is the constantly repeated experience of every leading committee in this House.

Again, under the old rule a matter is reported in the morning hour. It does not commend itself to the minority of this House, who, knowing it to be in the morning hour, immediately sit silent and prevent a quorum, or move to adjourn, or to fix a day to which the House shall adjourn. Thus the morning hour is consumed. This is done again and again, just so long as the minority may desire to continue it. You all remember, because it is of recent occurrence, that this was done in the extra session of the present Congress from day to day for a month, aginst what we believed and what I believe now to have been an iniquitous bill. Through that political campaign I saw many a day when I was sorry that we filibustered, because I would have been delighted to have added that one other political crime to the faggot of crimes committed by the party in control of this House during the extra session. But we determined otherwise, and no business could be transacted during the morning hour for a month or more.

Again, a committee reports in the morning hour. There is but an hour to-day and an hour to-morrow. Each member of the committee has a dozen important bills in his hands on which he has spent from three to four months of work. Each member desires to report. The chairman takes the floor and reports one, two, three, or four bills; and he is compelled to demand the previous question and force those bills through the House, in order to give the others of his committee time for the consideration of their measures. In this way hasty, unwise legislation has again and again within my recollection been passed under the previous question, for the praiseworthy purpose on the part of the chairman of saving a little time for some other member of his committee.

Now, the Committee on Rules has done away with all that. No complaints of that kind can be made again, if you adopt these revised rules. Every committee in this House will be called as often as once in two or three days—certainly as often as once a week. Every committee will be incited to attend to its business, knowing that there will be an opportunity to report all the business that it has in its hands perfected. No haste, no previous question, no half-considered laws enacted, no unfair advantages taken.

I desire one further amendment, which will provide that no bill, either of a public or a private nature, shall be reported to this House unless accompanied with a written report for or against the measure. If this be done, then when a bill has been reported the whole case will be on one of your three dockets; it will be there with all the points in brief; any man can take it and examine it beforehand, and can determine for himself whether or not the bill has merit and ought to pass. It seems to me that this committee deserves commendation for thus breaking away from the old rut and opening up a new road, through which honest, fair, well-considered legislation may pass.

Again, sir, I do not belong to the number of those who hold that private claimants have no rights which the Congress of the United States is bound to respect. I say to you, gentlemen, that a great war could not have taken place without claimants by the thousand and tens of thousands coming to the doors of Congress, and fairly, rightfully, honestly demanding payment of their claims. In war your Government is a despot; it must be a despot. The rights of men cannot stand in the way of the progress of armies. Your Government must be at liberty to make contracts, and to break them; must be at liberty to make specifications, and then to change them at its pleasure; must be at liberty to take the property of the individual for the public good.

The Congress of the United States has never yet had the courage to say to its citizens, "There are the courts that we have created; there are the judges and the United States attorneys whom the President has appointed; if you have a claim against the Government of the United States, the doors of that court are wide open; go there and assert your claims; bring your evidence and appeal to the judgment of that court." Congress has never dared to give to its citizens that right. I believe we stand almost alone among the nations of the earth in refusing to allow a citizen to bring suit in the courts against the Government. Now, therefore, when we shut against the citizen this door which is open to the subject of every other civilized country in the world, can we, ought we to say that we will shut this last door, the only one that is open?

The claimant comes here to Congress. His claim is presented and referred to a committee. That committee, under the present feeling, is an attorney for the United States, looking upon him with suspicious or hostile eye. In presenting his claim he is obliged to overcome these prejudices. He does so. The committee reports his claim unanimously, the bill goes upon the Calendar. The claimant has spent months in making out that case; it may be that it involves everything he has in the world for himself and his family. He has followed the claim in committee, has watched it after it has taken its place on the Calendar, is in the gallery on a Friday when private bills are to be taken up; that bill is reached; it is his only hope, his heart is in his mouth, he says to himself, "My time for justice is coming now," when lo and behold, somebody from the Rocky Mountains, or somewhere else, who never heard of the bill before in his life, who does not know to what it relates or what it involves, rises and shouts: "I object." The claimant sees his bill thus thrust aside, and generally so the end cometh. With a Calendar containing five hundred or a thousand cases, it will probably never be reached again. The whole labor of the committee, the whole labor of the claimant, must thus be lost because forsooth some man wants to build up a reputation on the smallest capital possible for one to be built upon. [Laughter.] But perhaps upon another unfortunate Friday that bill is again reached. Again the claimant is there and believes that his claim is to be heard. But five men object, and away goes his poor bill; and there is an end of it and of his hopes. That is the mode of proceeding on "objection days." I do not think the gentleman from Michigan [Mr. HORR] who sits in front of me has ever seen one of these days; but he will shortly, and he will recognize them afterward whenever he sees them.

I remember perfectly well a claim which was presented and considered by a committee a few years ago. A United States revenue-cutter had deliberately run down a fishing-schooner. If I had run down the vessel, in less than two months I would have been before a court, and in three or four months there would have been a judgment against me which I should have been compelled to pay. If a great steamship belonging to one of the great lines had run into the

fishing-schooner the steamship line would have been compelled to pay the damages; but it was a United States revenue-cutter, with the Secretary of the Treasury on board, which ran into this schooner, and there was no court open for the owner in which to seek redress. He was compelled to come to Congress and ask for relief. He did not ask his ship to be paid for, but simply that Congress would open the door to a United States court and let him go in. The committee reported it unanimously because, of course, it was right and just. For convenience the bill was put upon the Calendar, and the very first time it was reached to be heard, a gentleman whom I will not name, he is not here now, from the fastnesses of the Rocky Mountains, who had never seen a schooner in all his life, and did not know whether it was four-masted or one, jumped up and cried out "I object." [Laughter.] I went to him. I said "In Heaven's name, what do you object for?" He said "What is it?" [Great laughter and applause.] I left in disgust, for if that was legislation, I wanted no more of it forever.

I hold, Mr. Chairman, that these men have rights, and that it is the duty of this Congress to hear them or else to send them to the courts. That would be the courageous and the decent way. Our committee have wiped out, expunged, destroyed forever, if you say amen to this report, all "objection days." I am aware it will ruin some men's reputation, [laughter,] but not more than one or two in a whole House. It will help all the rest of you, and have a tendency to do justice. I expect the objector to vote against it, whoever he may be, but I trust Othello's occupation is gone.

You will have a Friday's docket and every man's case will be entered upon it, and it will come up to be heard in regular order unless a majority of the committee should prefer to change that order. You will take that docket as you do in court. You will go from case to case and pass, as fast as you can, upon it understandingly. Is not that fair? Is it not reasonable? Or is it better for some old member to have the chance of shouting out "I object," and then having his name entered in your Index under "incidental remarks," "page 248," and when you look to see the gentleman's speech you will find "I object." [Laughter.]

Now, let me call for a moment your attention to the special orders which are piled Pelion upon Ossa until they have become mountain-high. If you turn to any day three months hence you will find upon the general calendar of business more than twenty special orders fixed for the same day. Now we have stopped all that. Under this new order of things there will be no need of special orders. Every case will have its day in court.

Again, a great many of you have not seen resolutions submitted on the Monday second roll-call. I had a delightful experience the first Congress I was here. Maine was called first. Under the present rule, after the general roll-call is through, a second is commenced and it begins with the state of Maine, when resolutions may be offered for present consideration and gentlemen may be compelled to vote upon them. Since I have been in Congress, never but once has this privilege extended outside of Maine. It struck there nobly. [Laughter.] I remember one session of Congress, at the request of Mr. Charles Sumner, I introduced what was called a civil-rights resolution under that opportunity which was given to me by this rule, and that civil-rights resolution staid here six solid months in that position. Every Monday was filibustered out in order to prevent its passage, under the lead of the gentleman from Wisconsin, Mr. Eldridge. I did not effect anything. We, between us, did effect a loss every Monday of from one-half to three-quarters of an hour of valuable time, or, at least, of time that ought to have been valuable.

If you notice now on Mondays once in a while, when the States and Territories are not likely to take up the hour, somebody's useless bill is read, or some gentleman picks from the waste-basket a long bill on the transportation of animals, sends it up to the Clerk and causes it to be read. What is that for? That is to prevent the State of Maine from getting in a resolution under the second call. [Laughter.] And, if the old rules prevail, I guarantee to you now that the rush of business is over. On every Monday from this hour down to the close of this session over half an hour will be consumed reading useless bills. If any gentleman can tell me what benefit has resulted from the rule I should like to hear it. I have been here nine years, and I have never seen any.

We have repealed that and gotten it out of the way, and if you accept this body of rules you will be troubled no more forever with the reading of those lonesome, tiresome bills. The reading clerks will sustain the action of our committee.

Again, we send to the Senate an appropriation bill which our rules requires shall be the first considered in Committee of the Whole, a bill appropriating $5,000,000, the items specified, and in the Senate they amend it, adding to it a million and a half of dollars, and then send it back to the House in that shape. Now, I ask any member here if he has ever known these amounts which have been added to an appropriation bill in the Senate to be considered in this House in Committee of the Whole? No man ever heard of such a thing; and yet, under your rules, if I have a claim for a thousand dollars and it requires an appropriation, it cannot be considered except in Committee of the Whole. But the Senate may take an appropriation bill and increase it millions, and yet when it comes back here the point of order does not lie against it, and it is never considered in Committee of the Whole at all. Now, this committee, in the interest of honest legislation, in the interest of wise legislation, have reported a rule that the Senate amendments shall be subject to the point of order, which being made and sustained, they must go to the Committee of the Whole, and receive their first consideration there, because it is their first consideration in this House.

Now take "questions of privilege." Some of you have seen what has been done under an abuse of this question of privilege in this body. I have seen the liveliest fights gotten up here upon pretended privilege that I ever saw anywhere in my life, beating even an Irish fair. More, I have seen a gentleman cause to be read here, on a question of privilege, almost the whole Bible from Genesis to Revelations. Again, I have seen a member have newspaper after newspaper sent up to the Clerk to be read, occupying hour after hour with slanders of the gentleman affecting only himself. Again, I have seen gentlemen contending for the right to the floor on a question of privilege when an attack has been made upon them personally, not at all affecting their character as Representatives, and wasting hours in a contest over the point of order.

Now, sir, every man who has been here for any considerable length of time knows that one of the greatest outrages and abuses in this House has grown up under this very question of personal privilege. It is an easy way to get the floor, make a speech, and flood his district. I remember some time ago when I was visiting in an official capacity the Legislature in Louisiana, I found that there were a good many persons there, some of them of dark complexion, who desired to get the floor and make a little display for our benefit; and even they had found out what a blessed thing a question of privilege was. They would "rise to a point of order," or "to a question of privilege," and get the floor, and I found it was very much there like it is here; that it made very little difference what they said afterward; they had the floor for all that. [Laughter.]

The question of privilege is the very highest right that can be demanded in this House, of the first importance to the body and to the member, and it ought not to be open to abuse.

Mr. HARRIS, of Virginia. I would like to ask my friend a question if he will permit me.

Mr. FRYE. I yield for that purpose.

Mr. HARRIS, of Virginia. I would like to ask the gentleman what provision is made in this new system of rules for preventing the abuses he speaks of in this connection. I have seen myself, and I fully agree with him as to the ridiculous scenes which have been presented before this House in the name of personal explanation. The whole House has been frequently disgusted with the reading of long newspaper extracts and articles of personal explanation, which were put in writing and sent to the Clerk's desk, but the Chair has held that he could not determine whether it was a question of privilege or not, until it had been read. Now, what remedy do you propose for that? How are you to determine whether what has been claimed as a question of privilege is absolutely so or not until the reading of the paper has been had?

Mr. FRYE. In answer to the gentleman from Virginia, I wish to say that "the wayfaring man though a fool can read and need not err therein." It is written plainly here what a question of privilege is:

> The questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; secondly, the rights, character, and conduct of members individually, in their representative capacity only.

Now, it seems to me that this is plain enough for any gentleman in this House not to misunderstand it, and every gentleman is on his honor not to violate nor discredit it.

Mr. HARRIS, of Virginia. Mr. Chairman, I admit that it is very plain, but men's minds construe things very differently. How shall we execute that provision? I ask my friend the question. Suppose you were the Speaker presiding, and I rose to a question of personal privilege, my personal explanation is in writing and I send it to the Clerk's desk to be read. That has been done, when somebody makes the point of order that it is not a question of privilege—I have made that point myself. Now, I contend that the Chair must hear the statement before he can decide that it is a question of privilege or not; and how would you reach that question?

Mr. FRYE. Well, if I were the Speaker, and a gentleman was wandering so far from a question of privilege as I have heard them again and again, I would exercise my right as the Speaker of the House and stop him.

Mr. HARRIS, of Virginia. But, Mr. Chairman——

Mr. FRYE. I decline to be interrupted any further.

Mr. HARRIS, of Virginia. I know it is my own obtuseness.

Mr. FRYE. I recognize the gentleman from Virginia as one of the brightest gentlemen on the floor; but I must decline to be interrupted further.

I will not call your attention any further to the good things we have done. Upon that head I have stopped to leave ground open for others who are to follow me. But I think those I have directed your attention to must commend themselves to this House.

Now, to come to some criticism as to committees—how have we interfered with the jurisdiction of committees? I have heard it complained here that we have deprived the District of Columbia of the day which under the existing rules it is entitled to, the third Monday in every month. That is true; we have, but we have given it, under our revised rules relating to committees, an opportunity to

report and have its business placed on the Calendar once in every two or three days during the whole session. And they will have the same opportunity that any other committee has to go to the Calendar. In my judgment it affords a better opportunity for the discussion of its business than it has now, for I have noticed, and others must have, too, that when the Monday came which was assigned to the business of the District there would be barely a quorum in this House and the business of the District received but little attention.

Take the Committee on Railways and Canals. The gentleman from Virginia [Mr. CABELL] made a complaint in relation to that committee. Our committee have not interfered with the jurisdiction of the Committee on Railways and Canals further than this: We have crystallized into a rule the uniform practice of this House since I have been a member of it. And it seems to me under the experience of the doings of the Committee on Commerce that if you should give another committee like that on railways and canals jurisdiction of the improvements of rivers, and if you should give to the Committee on Mississippi Levees still further jurisdiction of the Mississippi River and all of its tributaries, you would have three committees pouring upon this House their bills for the improvement of rivers and harbors, and if it is true that there is any log-rolling to-day to get one bill through under a suspension of the rules, how much more powerful would be the log-rolling of three committees if they were willing to resort to it to drive through all their bills. But, I repeat, we only crystallize into a rule the uniform practice of this House since I have been a member of it.

Now, there were several committees, as the Committee on Banking and Currency and the Committee on Coinage, Weights, and Measures, which had the right under the old rule to report at any time, a right given to them at the last session of Congress, I think. We have repealed that rule, because under the rule now proposed there is no necessity for their having the right to report at any time. They would be called as often as once a week, and I have not heard that they complain of this.

Take the Committee on the Revision of the Laws. The gentleman from Illinois [Mr. TOWNSHEND] entered bitter complaint that we had restricted their jurisdiction. Well, sir, I have been here nine years, and I admit that at an earlier period in those nine years the Committee on the Revision of the Laws had the statutes to revise and great labor to perform. That is the only work I ever knew in the hands of the Committee on the Revision of the Laws until the extra session of this Congress, and the work which they performed then and submitted to this House did not commend them as a committee to me at least.

The gentleman from Illinois [Mr. TOWNSHEND] says that the Committee on the Judiciary usurps everything. He said that the Committee on the Judiciary had the right alone to the jurisdiction of all things touching proceedings in courts. And yet the gentleman from Illinois in the extra session of Congress reported a bill to this House from the Committee on the Revision of the Laws overturning all the statutes relating to the transmission of cases from the State courts to the United States courts. If he was right as to the jurisdiction of the Judiciary Committee, where did the Committee on the Revision of the laws get that bill? What right had they to it? Under what rule then existing did they get it? The Judiciary Committee had considered that bill for months with great care, and are considering it now, and will be ready to report it at this session of Congress.

Again, at this session of Congress the gentleman from Virginia [Mr. HARRIS] reported from that committee a bill regulating the reporting of the decisions of the Supreme Court. Now, if it belonged to the Judiciary Committee, as the gentleman from Illinois says, to take charge of all matters touching proceedings in court, I ask him if that bill did not legitimately belong to that committee? I am glad the gentleman from Virginia urged the passage of that bill. It is a good bill. It is through the House, and this is due to his diligence. But that committee had no more right to it than I have to my neighbor's hat or to my neighbor's coat. Both those bills belonged to the Judiciary Committee; and I, at least, as one member of this committee, came to the deliberate conclusion that it was not wise to allow the wild colt of the prairies to cavort around without a curb.

I do not know what would become of the Judiciary or of the other committees of this House if the Committee on the Revision of the Laws were permitted to go on in that reckless way, taking to itself all jurisdiction, however careful, however judicious they might be, and however prompt to report business to this House. I did myself vote in favor of giving to this committee the revision and codification of the laws, what I believe was originally intended for it; and I may say that there is no man in this House I love better than I do GODLOVE S. ORTH, of Indiana, a member of that committee, into whose kind face I am now looking. So in my vote there was nothing personal.

Mr. HARRIS, of Virginia. I would like to ask my friend from Maine [Mr. FRYE] a question concerning the jurisdiction of these two committees, as he has appealed to me——

Mr. FRYE. I have not appealed to the gentleman, and I do not dare to yield any time, because there is a gentleman who has been promised the floor immediately after I shall get through.

I come now to the Committee on Commerce. I speak here only for myself. I do not speak for the Committee on Rules. I was born in favor of river and harbor improvements. I was educated and trained an old whig, and I have been able to see but little good in the democratic party from that day to this. That, I take it, is owing to my early training, not to the wrongs committed by the party or to its general bad character.

I believe in river and harbor improvements. I have voted for every river and harbor appropriation bill but one reported by the Committee on Commerce during the past nine years. Therefore I cannot be charged with any animosity so far as their reports are concerned.

I know that committee is an able one; I know its chairman is an honest man; but I know, too, that there has grown up in this House within the last ten years a purpose to pass that bill under a suspension of the rules; and I know that the growth of that purpose here in this House has brought scandal upon the Congress of the United States. I do not say that scandal has been deserved; I do not say the Committee on Commerce ever reported any items of appropriation that they ought not to have reported; I state only the naked fact that the Congress of the United States has been scandalized all over this country because of the forcing of such bills through this House under a suspension of the rules. I know that the average man must inevitably ask the question, "Why this haste? If my claim must first be considered in Committee of the Whole, involving as it does only a hundred or a thousand dollars, why in the name of common sense shall $8,000,000 be driven through without any such consideration?"

I say it is not strange that such a practice has scandalized this Congress. It ought not to have been attempted; it should never be repeated. And why? When I signed that report of the Committee on Rules I had fears that the Committee on Commerce had power enough in this House to defeat the report so far as it might affect them. I believe, however, that it will not have power enough ever again in this House, after this discusion and after the discussion in the public prints, after the attention of the people has been called to the matter. I do not believe that committee will ever again have power enough to command two-thirds of the votes of this House for the passage of such a bill before it shall have first received consideration in the Committee of the Whole. I doubt if any member of that committee will have the courage to rise in his place and ask that the rules be suspended and the bills passed. If this result shall be accomplished I will have done all that I hoped to do.

Now as to the Committee on Appropriations. That committee has seemed to be the object of attack even more than the Committee on Rules. And while I have great confidence in the Committee on Appropriations, yet I do sympathize with the assaults which have been made upon it. It seems to me that it is the usurping committee of Congress. And while there is a rule here reported which does not change their powers, it was not the unanimous report of our committee and did not receive the indorsement of all its members. It is reported under the resolution to which I have alluded, that where we could not agree unanimously upon an amendment the old rule should be reported.

I do not believe that the Committee on Appropriations should have the powers of legislation as granted in this rule. I agree with the gentleman from Connecticut [Mr. HAWLEY] and the gentleman from New Jersey [Mr. ROBESON] in that. When I see the Committee on Appropriations taking our whole consular and diplomatic system, and in ten days' time, without, certainly, any adequate or requisite knowledge of what they are doing, smash through it as a mad bull would smash through a china shop, it has always occurred to me that that committee had better attend to their legitimate business and let the business of the Committee on Foreign Affairs alone. I do believe, and my experience both in a republican House and in a democratic House has forced me to that belief, that there should be a restriction upon that committee; that the right of legislation, whether in reduction of expenditures or not, should be taken away from them. Let the Committee on Military Affairs report to the House all laws affecting the Army; Naval Affairs, those relating to the Navy; Foreign Affairs, those touching our diplomatic service, and so on, each committee adhering to its jurisdiction. Then let Congress enact into laws such of the reported bills as are deemed just and necessary. Then let the Committee on Appropriations appropriate the money required by these laws.

What does the "reduction of expenditures" amount to? Some of us have seen members put in the chair here, and from their rulings learned that the words were without meaning. There is hardly anything offered by the Committee on Appropriations that has not been ruled as germane and as reducing expenditures. And in the old days, when we had charge, I say to the gentleman from New York [Mr. COX] whom I see near me, we were not much better in this than the democrats are now.

Mr. COX. Not so good.

Mr. FRYE. Oh, a little better, [laughter,] because I remember that a majority of the democrats in this House united with the minority of the republicans to pass that famous and notorious salary bill, the back-pay grab.

Mr. COX. Do not look at me; I did not vote for it, and I did not take the money.

Mr. FRYE. I think the gentleman said on this floor that he wanted to, and the man who looks upon a woman to lust after her——[laughter.]

Mr. COX. I did not say so. I made the only speech against it. You had better be more just, for Maine is in trouble. [Laughter.]

Mr. FRYE. Mr. Chairman, Maine was in trouble a little while ago. A host of fusionists, democrats, and greenbackers, like those barbarous tribes of the North who used to sweep down upon the plains to devastate and destroy, came down upon the good old State of Maine and attempted to destroy her. But, thank God, they have gone back to their fastnesses again, and thanks to their conduct they never will return. [Renewed laughter.]

Mr. COX. I never said anything against your brother in-law, and I never will. [Great laughter.]

Mr. FRYE. I had supposed, Mr. Chairman, that when this democratic brother-in-law married a good respectable woman it would result in a change of heart, and make him respectable. I am sorry to say that I have something to say against him myself. He did not experience any change of heart; he is a loco-foco still. [Continued laughter.]

Mr. COX. I know that the republican party used to take care of their brothers-in-law in the early days. I did not know but they would keep up the custom now. I want the gentleman to keep to the rules.

Mr. FRYE. I will remind the gentleman of the old rule that no gentleman shall speak except from his seat. [Laughter.]

Mr. COX. This committee has proposed to repeal that. I am showing the gentleman how the new rule will operate in practice. [Renewed laughter.]

Mr. FRYE. Now, Mr. Chairman, so far as I am concerned, not speaking for the committee, I am in favor of the amendment proposed by the gentleman from Connecticut [Mr. HAWLEY] and by the gentleman from New Jersey, [Mr. ROBESON,] and I reserved the right to offer such an amendment.

Mr. Chairman, I did not intend to trespass for this length of time upon the committee, but it did seem to me that some feeble voice should be raised in slight commendation of our six weeks of hard work. If the old members, familiar with the rules, cannot see anything to admire, I thought that some of the younger ones might look over our work with favor as an aid to them; and perhaps the older ones might see "lifts to the lazy."

I believe that as a whole these new rules are a great improvement. As a matter of course, they are not perfect; they are open to criticism; they are open to amendment; and the committee itself will delight in real amendments which may be offered in this House and adopted. I believe that the debate which shall spring up here in the Committee of the Whole under the five-minute rule will be of great value to this House, and I wish to say now to gentlemen on this side that if there ever was a time when it was their duty to be here on the floor, taking part in the business of this House, it will be when these rules are under consideration in Committee of the Whole. I sincerely hope that every republican member of the House will be found here to vote upon these rules and any amendments that may be offered. [Applause.]

[Here the hammer fell.]

Mr. BLACKBURN. Mr. Chairman, in view of the order of the House and the hour usual for adjournment, there is but one hour left for general debate on this report. I beg the Committee of the Whole to remember that the Committee on Rules has not been heard, except through the gentleman last occupying the floor, nor will it take the hour remaining, for the reason that the gentleman from New York [Mr. Cox] believed, not without just cause, that he was entitled to one hour during the debate to-day. The Committee on Rules yields the only remaining hour to the gentleman from New York, and will trust to its opportunities under the five-minute rule to explain any points at issue as the discussion may go on. I yield to the gentleman from New York.

Mr. COX. Mr. Chairman, I favor this report. If I hereafter see reasons to amend it, it shall not be loaded down. If it is loaded, I will vote to save its provisions.

Whatever may be said about changing the substance of our rules as to a better division of our labor and the responsibility of our members and committees, this much may be said: that it is high time their incongruities and disarrangements in our book of parliamentary practice were reconciled, and the obsolete rules expunged. The present Digest lacks brevity, harmony, and perspicuity.

Its methods and principles may be all right, but, like the tools of a mechanic, they should not only be up with the last invention, but handy to get at and keen for use. The report of the Committee on Rules means advancement in this latter direction. Whether the committee has substantially altered so as to better the rules for forwarding our business in the proper path I will not now discuss. Doubtless the leading thought about rules for governing a legislative body like ours should be to carry out the will of its legal majority, while not restraining any proper effort of the minority to hinder and enlighten that will.

But, sir, let us not forget than an unrestrained will in this House may be equivalent to no expression of responsible will. It nullifies itself by excess. It is hardly, therefore, to be conceded, as the committee state it, that the powers of a minority to "check temporarily, if not permanently, the action of a majority should not be invaded or restricted." To allow this would consume the very power it is intended to conserve.

OBJECT OF RULES.

While we should not unnecessarily impede the execution of the will of the House, let us surround our proceedings with every possible restraint which will insure deliberation. To deliberate means to weigh. It does not mean to jump or to overslaugh by mere votes; nor by clamor to drown, or by force to coerce.

To subserve this main end of legislative procedure, namely, deliberation, let us avoid giving too much fluency to everything which comes here. Why should we render facile our seven thousand propositions in the form of bills here, every Congress, from that which would insert God in the Constitution to that which would regulate our being shaved on Sunday? Whence this desire for facile legislation? Is it owing to the civil war, or to our more recent tendencies to give the glamour of regality to this Federal center, that we forget the original rules and simple modes of our patriotic faith, not merely as a party now in supremacy, but as unpartisan interpreters of the Constitution?

Our rules have been in existence for eighty-nine years—from 1790 with various modifications until now. That is true; but does it follow that we should change the rules made by men who made the organic law and who enacted laws under it? The earlier legislators understood the genius of our federal polity. Except for great and never for transient causes their edifice should not be defaced or destroyed. The men who made these rules from time to time were jealous of Federal power. They believed in home government. They did not intend that this city should be the gorgeous head of an empire while the States, in manacles, were to be dragged along in some victor's train behind an imperial chariot. The rules, if questioned, interpret this jealous and prudent philosophy, and I am glad the Committee on Rules has not substantially changed their essence and principle. When we undertake to make easy federal methods of legislation do we not open the sluices through which no end of perilous legislation may rush to inundate and upturn?

The committee have said in their report that in the Sixth Congress, which convened December 2, 1779, there were two hundred and ninety-eight bills introduced and reported, while in the Forty-fifth Congress, which convened October 15, 1877, there were sixty-five hundred and seventy-nine bills introduced. The number of petitions to which they refer are not consequential, for the press and telegram have made petitions almost dead, if not ridiculous.

These facts which the committee narrate not only command us to make a revision of our rules for the dispatch of business, but call a serious halt on the dangerous compounding and absorption of all powers in the Federal Government. Hence, for a larger thought than that of economy, there should not be given too much facility for legislation, either by the constitution of new and easy ways for money bills, or to prevent liberal discussion and amendment. Standing upon the ancient ways, and ready to make the best breviary for our legislative conduct, I hail this careful effort of the committee to perfect our rules, upon which much of the pleasure and utility of legislative work depends.

ECONOMY AND ITS OPPOSITE.

It is to be regretted, Mr. Speaker, that on the threshold of this debate efforts are made to make easy a class of appropriations that appeal to the elements of mercenary and local aggrandizement. The first question which meets us in the discussion of the seventh clause of Rule XI, (page 32:) "To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations."] The debate on this rule seems to turn upon questions of economy and prodigality; general legislation and local greediness. In fact, the gentleman from Texas [Mr. Reagan] almost confesses this to be the issue when he says, "I doubt not it will be developed that this new rule will be sustained by every member who doubts the propriety and the policy of this class of appropriations." And the honorable gentleman then proceeds, after a handsome statement of his views, to call for "one bill"—only one—"to come before this House to put a quietus to that sort of demagogy and misrepresentation" with which he charged members and editors by wholesale. This is the courteous way in which the gentleman from Texas opens this debate.

Mr. REAGAN. It is such unwarranted statements as these, and not the bills themselves, that have caused the scandal referred to by the gentleman from Maine.

Mr. COX. The scandal referred to by the gentleman from Maine is based upon the opinion drawn by the newspapers and members from these statutes. Just look at them. The like was never known in the old democratic days, when the gentleman from Texas and I served here before the war. Why, sir, from an appropriation of $2,000,000 ten years ago you have jumped up to $8,000,000. How much was it in the old days when we served together and held to the old democratic tenets? Nothing at all scarcely. We of course made appropriations for general objects. The statement of my colleague [Mr. LAPHAM] that we oppposed all appropriations for rivers and harbors is not correct. We are ready now and at all times to vote appropriations for general objects. But when appropriations are made for every little stream that can possibly be found in our encyclopædias or our geographies, my friend from Texas comes in and justifies it as democratic policy.

The gentleman talks about being made the clerk or amenuensis of

another committee! Now, mark you what he would make of us! If he cannot play, as Hamlet's friend, on a little lute, yet he would play on you and me and all of us! He would make us here his mechanized automata, as he has under his suspension of rules, for $8,000,000!

I am not, for one, tolerant of this kind of attack. The gentleman has missed his channel and overflowed his banks. He needs public improvement. He simply passed his immense bills because he could, not because he ought, and we are again reminded that it can be done again. Like the sailors in Shakespeare's Isle of Prospero, he is so full of valor that he smites the very air for breathing in his face and beats the ground for kissing of his feet!

Is it not bad enough when our tariffs are not made and unmade at the behest of classes and sections, irrespective of the masses and the equities? The history of our tariff shows that all the votes given on our tariffs since that of 1790, with rare exceptions, have been dependent upon local material and individual interests. When there was a low and liberal tariff to be made, the West and the South gave it their sanction. When an illiberal and high tariff was to be made, the capital invested in manufactures gave its suspicious tenor to the tariff. Still more notably the tariffs during the war and after it illustrate my thought.

But is it not time that, irrespective of sections, combinations for immense exactions for public works, not comparable to tariffs, for insidious robbery, which are made by bills—what are called log-rolling bills—should cease? Are they not framed regardless of all constitutional clauses or interpretations by court or veto? Are they not as regardless of all fairness in the division of the loot as of the traditional policy of internal improvements which limited the appropriation to general objects, such as coasts and inland seas?

Will it be believed that the appropriation for one of these years was such that even the omnivorous maw of the Grant administration refused to expend it? As the Speaker has shown us, the amounts of these appropriations have grown enormously in late Congresses, under the exclusive direction of the Committee on Commerce. But this is not my complaint so much; it is that they have grown because, under the system of allowing the Committee on Commerce to make such bills, they have not only diminished and dimmed their own sphere of legislation as the initial and conservative forces of our trading people, and thus have made our legislation a by-word and a shame, but they have, as I once before demonstrated, set at naught every principle of free challenge by debate and amendment, which is the very life and soul of every parliamentary body in Europe and America.

DIPLOMATIC REFORMS.

It was said by the gallant gentleman from Mississippi [Mr. HOOKER] that if the Committee on Appropriations should take cognizance of the river and harbor bill and report it, why should not other committees take charge of business connate with their special functions? Or to illustrate his thought: Here is the Committee on Foreign Affairs, upon which I serve as chairman. Do I want the diplomatic and consular bill referred to my committee? If I desired to aggrandize its importance or my own, perhaps we would desire to make the appropriation bill.

But is not the language of the very rule reported by this Committee on Rules so framed that the reporting of the river and harbor appropriation bill might be given to the Committee on Commerce, while its final revision comes before that committee which must take the broadest, most comprehensive, and indispensable scope of the whole horizon of finance?

Many years since I urged that our diplomatic missions might well be curtailed, in so far as ministers and envoys are concerned. The money employed in that direction might well be applied to consuls and commercial agents, in the interest of trade and commerce. On the proper occasion I may repeat and enforce some of these earlier thoughts. Indeed, the House has already instructed our committee to report wherein they can cut off the dead limbs of the diplomatic tree. There is no reason why we should not lop off all of its deadness, even to the eradicating of its sapless and expensive root. It is said by Schiller "that for thirty years Germany stood with her hand on her sword, and every rustle of a leaf disturbed her." This has been the condition of Europe the last summer, yet there was scarcely any of our diplomats at their posts during this terrible period. St. James was vacant and St. Petersburg empty, and those who filled other missions were like the false god Baal at whom Elijah mocked: "Cry aloud: for he is a god; either he is talking, or he is pursuing, or he is in a journey, or peradventure he sleepeth, and must be awaked!" During this period many of our citizens were traveling abroad; but had they any special terror on account of this European imbroglio? Would they have felt or been more safe if our diplomatic functionaries had been at the capitals of Europe, dining with or dancing attendance upon titled personages? Who loses a wink of sleep in this country because one minister fails to attend the Queen's levee in a spiked-tailed coat and a favor in its lapel, or another minister fails to shiver in the antechamber of the ice palace of the Czar? People rarely miss vacancies, and who misses those ministers? What a precious saving it has been, this vacancy which they created. How cheerfully we would part with all of them, provided we retained in the Treasury their salaries.

But if the Committee on Foreign Affairs would rid the country of these superfluous appendages, have they not the chance without having exclusive control of the diplomatic appropriation bill? Have we not the right to report a general bill repealing existing laws creating these offices? Cannot we prepare amendments to the appropriation bill for such a purpose and take the sense of the House upon them? When the majority of the House favor such motions cannot it be done? If we have left the right to amend appropriation bills, when they come up in Committee of the Whole, or if preliminary we may report appropriation bills on special subjects for the final revision of the Appropriation Committee, what then? Nothing, except greater guards over the strong-box in the Treasury. Let us, therefore, leave to the Committee on Appropriations its general supervision which is indispensable to our fiscal system.

DIVISION OF FISCAL COMMITTEES.

I am the author of a resolution adopted in the last session of the Thirty-eighth Congress, on the 2d of March, 1865, which divided the old Committee of Ways and Means into three committees—one for appropriations which paid out the money, one for ways and means which brought it in, and one on the Banking and Currency, which had control of the kind of money. I was moved to do this, and sustained by the House, because of the inordinate income, through bonds and taxes, as well as our vast outgo, involving thousands of millions, all in charge of one committee. The immense amount and variety of the business of the Ways and Means then seemed to call for a division of labor and responsibility. But I see no reason further to divide this fiscal business, and much against it. The division my rule made was philosophic and salutary. It gave unity to the business of three committees without much disturbance.

Is it said now that the Ways and Means are shorn of their proper functions? Have they not plenty to do? Judging by a glance inside of their splendid chamber, with its clerks and clocks, mirrors and messengers, and by the intellectual make-up of the committee and the genteel style of its distinguished chairman—it is not fair to infer, as we do sometimes, that its only function is to move to adjourn. Are not all the revenues, involving all the network of interests in this country, hanging upon the door-knob of that superb committee? It has even had referred to it the matter of conventional treaties in connection with customs. Where is the limitation of its periphery? Go to the uttermost parts of the earth, and lo, it is there. In spite of all protests of my elegant colleague [Mr. WOOD] was he not hailed at the capital of the grand nation, not only as the head of the democratic party, but as the creator, avatar, guide, and genius of every measure looking to the glory and magnificence of American institutions? Is not that committee now in the throes of a great system of refunding? Shall it be three and a half or four? And are we not waiting daily for the birth of the child, forgetful of all the tariff burdens of our land?

But, sir, with this immensity of business and importance its function has its beautiful and rounded unity. It is expressed in the word "income," just as "appropriations" has it in the word "outgo;" as "banking and currency" have it in "what-go," and as the people's committee, the Committee of the Whole, has it in "how you all come and go!" [Applause.]

EXPERIENCE OF OTHER LEGISLATURES.

I other countries which have deliberative assemblies there are various modes of representing the various administrative departments of government. Sometimes the labor of these departments are final, but as liberty obtains we notice that the revision and sanction of a legislative body become indispensable to incomes and outgoes. The system of permanent committees on the "budget" (bag or purse) prevails only in a few countries; ours is one. In other countries the chambers of legislative bodies have but little to do besides registering and appropriating the estimates of the government. Belgium is a good example for several purposes. There the chambers are divided into six sections. They correspond with the six ministerial departments—justice, foreign affairs, interior affairs, finance, war, and public works. Each division takes what belongs to it just as we do now in the House.

But in nearly all these countries where legislatures exist commissions on the budget having this one business are created, who pass upon the expenditures, and in nearly all the final vote is reserved to the legislature on financial propositions. Let us beware of giving up to any committee the power of final adjudgment on revenues and taxes, on tariffs and bonds.

It is argued, with plausibility, that legislative action has not, in the countries where such establishments are gifted with power over tax and pay, shortened public expenditures or held down administrative abuses. Well, the world generally, sir, is increasing the cost of its governments. This is owing to wars and other deviltries. There is no luxury equal to that of a government if its excessive cost is the touchstone. Now, is it true that the best government, or I should say patriotically, our democratic-republican government, is the most expensive? We are by no means the worst. True, we have much to do in cutting off excrescent expenses. It takes all we can do to keep watch over the generals, and lieutenant-generals, and major-generals, and brigadier-generals, and their staffs, and foragers and what not; together with our admirals, rear and otherwise, and the army and navy of useless placemen, on sea and land. We have a waste-

ful and ridiculous excess of these decorative folk. Considering our remoteness from European nations and troubles, we should be happy that the processes of science have not brought us nearer. But is this a reason against free and legislative rule? Is it true that expenditures go up when legislation handles them? Yet, it seems so in Belgium. In 1835, with a population of 3,876,000, it spent only seventeen and one-half millions of our dollars. In 1875, with a population of 5,336,000, the cost of governing ran up more than $5,000,000; or, to be exact, two hundred and fifty-six millions of francs. Forty years more that doubled its cost, and that, too, *per capita*. What a lesson is here, if all the facts are considered? First, Belgium has a money measure of suffrage; in consequence the minority of the people furnish the parliamentary majority; second, one-third of the 100,000 privileged voters are interested in large outlays for public works, and in employment upon them; for the government not only constructs public works, but runs mails, telegraphs, and half of the railroads. No wonder they have a special committee on "public works!" But in Denmark, where the largest suffrage prevails, the government is frugal but sufficiently generous. The peasants and workingmen join in the lower house in all liberal supplies; but neither n Belgium or Denmark, or other nations, do they have committees which gag through bills by two-thirds, without chance to change the supply or to veto separate items.

In this country, Congress, if left free, will not increase but diminish expense. It is a crude idea that when you trust the House to debate and amend, that then the increase ensues. The tendency to cut down both the estimates of the Departments and of committees, if freedom is left to the legislature, comes from the universal desire for economy expressed in the platforms of parties, professed by all politicians in deference to public virtue. An argument against freedom in this House on fiscal matters, is an argument for the Russian system, where a life council named by the Crown has charge of the budget, subject to the imperial sanction. It is an argument for despotic rule.

RIVERS AND HARBORS.

When it is said that the excision of expenditures has been more when the liberty of debate has been suppressed, I doubt and deny it. A higher rule should regulate that, and that is, that whatever should be levied in the shape of taxation, or spent for even the most luxurious government, should have the will of the people under the widest conditions of investigation and correction. This is the essence and tradition of public liberty, and is in accordance with the rule reported as to the final supervision of the Appropriation Committee of the river and harbor bill. To fix the proper responsibility for spending the people's money, I would go further and discard utterly the rule by which appropriations of any kind should go through without debate. I would favor no process of juggling bills through by giving special pap to certain places.

No legislation, under rules liable to be suspended without debate or amendment, where money is divided around, is either republican, democratic, fair or just, even if it were economic in some instances.

But, sir, I gave my reasons for this when the river and harbor bill was crowded through the House by stifling amendment and debate, under a suspension of the rules on a two-thirds vote. I disfavor any attempt to give this important matter of public improvement to the Committee on Commerce, first, because the very constitution of that committee, selected generally from commercial or quasi-commercial localities, as well as our best experience, has demonstrated the extravagance of such a committee beyond a parallel.

What is best to be done under our present conditions? Who cares whether "Appropriations," or "Roads and Canals," or "Commerce" have heretofore had this business? Suppose the file shows no precedent, let us make a precedent!

LEGISLATIVE LIBERTY AND LIBERTINISM.

The issue is well made by the honorable Speaker and those who sustain him against the prodigals. The contest is between legislative liberty and pecuniary libertinism!

When I had the honor to report Rule 120 in the Forty-fourth Congress, drawn by Judge Holman and sent to the Committee on Rules, the work of retrenchment began. It is this rule that calls for the eloquent objurgation of the gentleman from Minnesota, [Mr. DUNNELL,] and others who have just spoken. He honors us. There was no such aid ever here for economy as Rule 120. The honorable Speaker was then chairman of the Committee on Appropriations, while for much of the time I was chairman of the Committee of the Whole to interpret the rule. We assisted in a work for which the people should be thankful, but which we have already forgotten, because we have taken lazy steps, though in the same direction. When, therefore, it was proposed to bring in a river and harbor bill and pass it, with its millions, over our heads without debate, without a word of debate or an amendment, as a Representative of a taxed people I protested in writing, and my protest was backed by some forty members. We only obtained debate by what was deemed almost an insult to the House, and that, too, after the protest, and after the bill had passed. I called it a raid on the Treasury, a pillage, and what not—very questionable language. The words were taken down, and so was I.

I should have studied the language of the bandit of Thibet: He does not say in gruff, unpleasant voice, and with horrid menace, "Stand and deliver! Your money, your horse, or your cloak!" Oh, no; but he says in the blandest way, "My dear elder brother, it is a hot day; your cloak, if you please," or "I am tired of locomotion on foot. I see, my beloved, that thou hast a noble steed; wilt thou dismount?" By similar sweet paraphrases I might have designated the bills which have been produced from the Committee on Commerce. Were they not the pleasing combination of all mercenary suavity and local endearments; dainty bits of succulent reciprocity, for the mutual good of the beloved constituencies with large water-frontage; by no means for local greed and political corruption, but bills to aid poverty in its distress, to make happy the leaders of parties in congressional districts; in fine, as my friend from West Virginia [Mr. KENNA] would phrase it in his optimistic advocacy of fifty millions a year for this purpose: "to give transportation to our commodities, employment to our people, and prosperity to the country." But, sir, who pays for it? That is not answered. Do not the people know?

OF SALT, ETC.—TARIFFS, ETC.

Every man in this land pays an insidious tax of 35 per cent. on his own person. From the crown of his head or hat to the sole of his boots he is taxed by an infamous system, which puts much into the pockets of the few, or a little out of the pockets of the rich for the Treasury.

Salt is an example. It is next to bread! Can that which is unsavory be eaten without salt? How our people North and South fought for the salt wells! And yet ho[w] easy we give them up to the pillage of protection, notwithstanding the needs and demands of the people for their enlargement!

An Arabian tale has it that some one looked down into the secrets of the earth and saw all its treasures. He had his choice; he selected the cystals of salt.

Salt ought to be as cheap as bread. It is a universal necessity. It should be cheap to all. It is said that Elisha healed the waters and stopped the dearth in the land by scattering salt upon them. We have no fear of dearth, and our pestilence has departed, but there is a burden but little worse in the infamous tariff upon some fifteen hundred articles, one of which is salt. Ah! but it is said that we can make it for nothing. Then why make so much clamor for its protection?

As a member from Pennsylvania declared to me, he voted against the bill because "it was an entering-wedge." Wedge into what? Into the system which despoils the many for the few, which puts an indirect tax of hundreds of millions upon the people and but a tithe of it into the Treasury. That system, as to salt especially, was sustained by the votes of the gentlemen from Michigan, Texas, and West Virginia, who appeal for these improvements from the common Treasury, and refuse to lighten the tax on the poor man.

The interest of salt fish, I see by a report, belongs to the Committee on Commerce. After many years of struggle we upset the bounty on New England fish, but kept salt free for fish. Why cannot it be made free for the poor man's pork and potatoes?

Salt! Why, do we not know that it only brought $786,042.20 to the Treasury in 1877; $754,382.74 in 1878; and $798,647.80 in 1879? By our system of tariff we put twelve cents per hundred pounds tax on all of it in sacks and barrels and 20 per cent. *ad valorem* on it in cakes. Yet the gentleman from Texas favors a continuance of this tax. Why? Does he not know that ten times these sums reach Onondaga, Kanawha, and Michigan? Does he favor free salt for fish and not for potatoes and pork? [Laughter.] He does. Read this volume on "Imported Commodities" from the Treasury and you will see the "salt withdrawn (free) for curing fish" the past year. It is all New England, from Barnstable to Wiscasset. Where is the free withdrawal of salt for pork from Cincinnati and Saint Louis?

All and each of these champions of river and harbor extravagance voted against cheap salt. Texas joins with West Virginia. That was a surprise. It was no surprise when Michigan completed this protective saline triumvirate.

Mr. REAGAN. I wish to say one word. I have been trying to get these $200,000,000 on the free list reduced, and the taxes distributed over a larger field. But when we put something on salt we shall have to put much less on cotton and woolen goods, and iron and steel, and hats and shoes.

Mr. COX. It is the old story. You do not commerce at the right end. Why, sir, salt is like bread; the people demand it. You come up here with this tax on it and say, "You shall have free salt for fish." New England gets it. Here is the list in the last report. But when it comes to free salt for potatoes and for pork, you refuse it. [Laughter.]

If this goes on—if these moneys are to be forever paid to assist to make artificial water courses, against providential arrangements—where will you get your natural scenery? [Laughter.]

Mr. REAGAN. Before the gentleman gets away from his criticism on appropriations, I want to say that if he will look to the State and the city he represents, he will find that New York obtained in the last appropriation bill nearly twice as much as the State of Michigan. Is it this he is objecting to before his constituents?

Mr. COX. Now mark how I will put down the statesman from Texas. [Laughter.] I have always voted against these bills. I voted against Hell Gate and the other gates of that nature. I never voted to push Hell Gate through on an appropriation bill without the right of amendment or debate. The people of New York City would never approve my course if I supported such a vicious legisla-

tion. Now is not the gentleman a little sorry he interrupted me? [Laughter.]

To return to salt:

Give some gentlemen a tariff and an appropriation and, as was said of a Spaniard and a bull-fight, "you may burn his father at the stake in a cassock painted in the flames of hell." Texas joins with West Virginia; but Michigan will have the lead, both in laying custom duties and demanding harbor improvements. Still, it is impossible to tell which of the three eloquent stipendiaries has made most of this situation for local renown—

> I shall as soon pronounce what Grace more neatly
> Trips it before Apollo than the rest.

But before I go further into my time, allow me to pay my attention to the gentleman who has been so anxious to make personal remarks about myself and my legislative conduct.

The gentleman from Michigan [Mr. HORR] has been pleased to make special reference to the Committee on Foreign Affairs and to myself. His manner was too kind and gentle to be offensive; but he must be reminded that his argument for the aggrandizement of his Committee on Manufactures ought not to be based on the derogatory statement that our committee and myself have only been engaged in manufacturing witticisms. The House must have seen that we were diligent in our business even at the extra session, and passed all our measures. There are no witticisms from a committee of that dignity. The corn speech to which he refers was made when I was but an humble member, not chairman of the committee. No one but myself represented that element. Its juiciness was the product of my western raising and my eastern distillation. Why should I be accused of mere play here? Have I not shown some fruits as the result of studious work? Did I not carry through here the Thurman bill as to railroads, the life-saving bill, the census, and many others, which might be named? Is it not time to stop this constant depreciation of one who really cares little for being here, except to do something worthy? Where is the fun in such misrepresentation? Will my friend from Michigan bear with me if I give him a lesson in the matter of congressional debate? Humor is a large part of it. It should be ratiocinative, however. It should have a practical object. When I happened one day to kill a moth contract by some good-natured remarks on that insect and the political analogies it suggested, it was because I was informed by a canny Scotchman (now Senator from Kentucky) that there were facts to be developed. In one minute after he gave me the pamphlet I gave it the needed good temper, and a half million was saved. The point is to make your fun dialectic and rational. Did my friend in his speech so brimming with humor, and which tended to make ridiculous the claim of inconsequential committees to greater consideration, observe this rule? I have been told his committee took his speech in earnest, met, and proceeded to declare he had vindicated them. [Laughter.] They asserted that they had been neglected, and would claim their rights to all questions as to manufactures. This, of course, would kill my elegant colleague of the Ways and Means. [Laughter.] He could not survive it. What, sir, to have manufactures take away his tariffs?

Was there any other object in the gentleman's speech? Did he tell us how he regarded the committee's report, or was he only entertaining the House? He was also pleased to refer in a pleasant way to some volumes of travel I had written. Thankful for such a notice, I fear he has omitted the one most apposite. There is a volume in my desk I will send to him. It is entitled "Why We Laugh."

The CHAIRMAN. The gentleman will suspend, to receive a message from the Senate. Members will take their seats.

Mr. COX. To resume, as Mr. Sherman would say. [Laughter.] When members take their seats will the gentleman take my book?

[A page took the book to the member from Michigan, who received it graciously.]

Mr. COX. The volume I send is named "Why We Laugh." I send it to the gentleman with my regards, and with a view to ask him to regard its philosophy, "why"—not "how," nor "at what"—we laugh. It will show him that nearly all great natures manufactured witticisms now and then, from Sir Thomas Moore to Corwin, from Julius Cæsar to the gentleman. [Laughter.] But their wit had a rational purpose. They were logical in their laughs. They used what Aristotle knew to be the *reductio ad absurdum*, and what Whately commends as the best means of exposing fallacy and fraud. I wish I could read an extract or so before I send my friend the volume.

Now, in the view of these lessons for mirth, was it logical for my friend the other day to call the attention of the House to my body? Suppose I am little, was it logical, or parliamentary, or kind to say it? It was done without malice, but it permeated every one of my two million pores. [Laughter.] Suppose I had the gentleman's immensity of pores, where could not the laughter extend? Then there would have been need of some improvements, "because of a loss of moisture." [Laughter.] Why, sir, every sweat-gland in my small body gave out its mortifying moisture because they were so few compared with the pores and glands of larger bodies. [Laughter.]

Now, sir, I submit, was my size a subject for any gentleman's logical laughter? I never claimed, because of its smallness, exemption from the demands of courage or in the arena of debate. Laughter is health. It oils the joints [laughter] and the countenance, causing it to shine. An animal that tries to laugh, like a hyena, is specially despised; but a babe, when it first beholds the sunshine, laughs! The gentleman was once a babe, [laughter,] an innocent babe—a cherub. [Laughter.] He may have children—all little rotundities, all dimpled beauties, which with "flitcherin' noise and glee" rush to meet their dad—and all like their dam—dam, bad father! I cannot see to read it plainly, but it looks like—their dam—bad father. [Roars of laughter.] Does he not love them? Doubtless, as all genial natures like his love children. But where is the point of making my small person—though I carry the weight of the average man, one hundred and forty pounds—the butt of his ridicule? Why should smallness, in such an immensity of creation, and when everything may be reduced to atomies, be accounted contemptible? I once buried a burly body here for insinuating that I was small. I cast his soul, which was very small, through a nether keyhole, for he was little in everything except in size.

When one comes to consider all universal physical relations—the size, say, of this dome and the goddess on it, much bigger, even, than the gentleman, [laughter,] then of the mountains of our earth, then of the sun, of Jupiter, or the star Sirius, and then the constellations and systems far beyond, pinnacled dim in the intense inane of creation, how contemptible a member of Congress seems! [Great laughter.] Therefore, where or what is the humor of making a member of Congress out to be little, and laughing at his size? What is there to boast of in this enormity of flesh and size? At the best, Goliah did not reach more than twice as high and was only one-sixth more than the size of some gentleman here. Lambert, with all his opulence of oil, was only a poor, weak man, unable to grasp what Isaac Newton knew—whose mother put him in a quart cup when he was born. [Laughter.] Sir Isaac Newton! Does the gentleman think he could get into such a cup? [Laughter.] Why then, why should the spirit of mortal be proud? Proud flesh is not a sign of health. [Laughter.]

My friend evidently meant to be familiar with me in two respects: First, to humble me for my size; and second, to be witty over what I cannot help, my stature.

I never knew till the other day when I failed to recognize him, how imperfect was my body. I took him by mistake for a gentleman from North Carolina. It was my poor eyesight? Yes, on my failure to recognize him, he called me, first, genial, and, second, little—all of which implies a rather undue familiarity on a short unrecognizing acquaintance! [Laughter.]

I endeavor to debate here impersonally; never refuse to yield; never invade another's right; always consider my person almost as an abstraction. I am not proud of my appearance as some men are who swell. [Laughter.] Why, sir, I argued against making Congress too big ten years ago. Two hundred and fifty was enough. Had I known the advent of this leviathan into our troubled waters, I should have favored two hundred as our number. [Laughter.] But that is to be settled next year. Corpulency is not strength. Let us remember that!

When the gentleman was thus belittling me, what was he about? Two yards [laughter] or so. Does that, under our Constitution, prevent me being his equal? There is no disability under the law on account of one's size, only his age or his rebellious antecedents. If I were a mountain of mummy, or a Liliputian, I should be eligible here. [Laughter.] I represent large folks, fighting folks, [laughter,] good folks; they did not measure my girth or take my altitude when they sent me here. They did not think me unconstitutional. [Laughter.] They did not think blubber indicated brains; nor meat manhood; or that tumors necessarily tend to intellectuality. They did not regard me as unworthy of their trust, because I had not layers of lard over immense abdominal muscles. [Prolonged laughter.] They are intelligent; they know that tissues of fat do not control issues of fact or of politics. A man may be five hundred and seventy pounds, or several gentlemen rolled into one, yet he might still be as a tallow candle to the sun. [Laughter.]

What, sir, are none but Falstaffs to be of the elect? If so, the House would be overrun with the qualities he is celebrated for, including stealing, carcass, and fun. Are we to have only inordinate, lumpish incarnations of swelling vanity—behemoths in our congressional waters? Nothing but butter and no bread? Sir, Shakespeare was a master of wit; and he told us of Falstaff. He knew that flesh and frailty go together. [Laughter.] He said the devil would never have the fat knight damned, lest the oil that's in him should set hell on fire. [Laughter.] How well he advised him! "Make less your body and more your grace, for the grave doth gape for you thrice wider than for other men." [Laughter.]

I am sure I gave my friend no provocation for reducing my dimensions in the RECORD. I hardly knew him, except to trace his path over the costly mosaic of our corridors, whose leanness he larded with the warm flux of his tallow. [Laughter.]

Suppose he be six feet high, and have an abdomen ten feet in girth, with good fat capon lined. [Laughter.] Does the gentleman tell me that therefore he can assume airs of superiority, "genial" airs? Suppose he has a longer oscoxygis [laughter] and his ancestors had a firmer prehensile grip to a Darwinian limb. [Great laughter.]

Perhaps next he will raise the point of order on me that I cannot vote, because my œsophagus is not as magnificent as his own, [laughter,] or his phalanges or metacarpus, or, rather, corn-stealers, are bigger than those of any other member. [Laughter.]

Why should such a one be proud? Falstaff weighed about as much as my friend, but he took care not to make his hilarity too loud—when the prince was about. Will the gentleman still insist on raising the point on my size? Is it raised as to my sternum? [Laughter.] If so, I ask him boldly the size of his duodenum? How is the nature of his body different that his pericardium should take on airs over my medulla oblongata? [Great laughter.]

I fear my friend's latter end will come sooner than he knows. Corpulence is disease. May he return late into heaven; but he must look to his latter end! I am tired of making obituaries here. But if I am called on to speak his eulogy I would draw on two eminent poets who will combine for such an occasion. One is the sweet singer of Michigan and the other Byron. Over his grave let there be inscribed:

Here lies the body
of
Congressman *Horr*;
'Tis Greece,
but
Living Grease
no more!
Requiescat!

[Great laughter.]

But, sir, all this badinage aside, I desire to quell once and forever this aggrandizement of assurance and oil at the expense of modesty and tenuity! My pleasure in serving here is of another kind than the body gives. As the scholar said in Beaumont and Fletcher's "Elder Brother"—

For know, sir, that the wings on which my soul
Is mounted have long since borne her too high
To stoop to any prey that soars not upwards!
Sordid and dung-hill minds, composed of earth,
In that gross element fix all their happiness;
But purer spirits, purged and refined, shake off
That clog of human frailty. Give me leave
T' enjoy myself; that place that does contain
My books, the best companions, is to me
A glorious court, where hourly I converse
With the old sages and philosophers;
And sometimes, for variety, I confer
With kings and emperors, and weigh their counsels,
Calling their victories, if unjustly got,
Unto a strict account, and in my fancy
Deface their ill-placed statues.

[Applause.]

If it be true, as that same Elder Brother said, that we are a nobler substance than the stars, since we have faculties and they have none, may it not hereafter be forgotten in our debates that there are discrepancies in the size of our frames not inhibited by the Constitution, and then argue justly and impersonally on matters of higher moment than ourselves.

FRENCH ILLUSTRATION.

The gentleman from West Virginia [Mr. KENNA] has selected a most unfortunate illustration to sustain his cry for more improvements and more outlay. France is his type. He would have public improvements like hers at every door-step. That republic received from Napoleon III the mischievous system yet in vogue and so commended by gentlemen. The empire for a score of years literally reveled in extravagance. There was the constant disaster of prodigal expenditure till the chief and his honeycombed government fell before its own corruption and the German arms. The abuses of France were mainly connected with the lush growth of this bad system of government improvements. They were made to tickle the peasantry and gorge the contractors. When the gentleman boasts of French ability to pay Germany its millions of indemnity he should at least deduct the millions from his estimate of the Napoleonic rule he commends.

When the gentleman refers us to this French custom of giving work to the idle, or rather largesses, for improving public works, is it not but another kind of phrase: *Circenses et panem*—sports and food Circuses are cheap; and we have had four hundred millions of bushels of bread to send to others and abroad this year. It is, sir, the old plan of killing popular life by the enchantments of debasing indulgence. Rome fell, and France has reeled into many a wild, despairing revolution with such policies.

If a conspiracy were formed by devils to destroy this country it would be by corrupting the people with largesses and appropriations.

My friend from West Virginia [Mr. KENNA] by his remark that he had done more in patriotic endeavor to build up this country by such modes than he accomplished in the whole time he was among the confederate brigadiers attempting to tear it down, provoked applause and laughter! What did he mean? Does he place these services on a par? Do they both belong to the category of patriotic endeavor? Is the quadrumanous activity of "tearing down" the way to advance general prosperity?

I think I understand this analogy from France. But let me again say that when he calculates the advantages of such policies he must deduct from his own credit whatever was the cost of the part of the tearing down which he did. Thus he may estimate the true political balance the country owes him!

I shall do no injustice in debate. Therefore I print what my friend from West Virginia has said:

It is in the interest of the improvement of our commercial highways, and to that extent in behalf of the great commerce of this country. It is patriotic and just. In conclusion, I would add that I have done more in the patriotic endeavor to build up this country by voting these appropriations in the last year or two for the improvement of its commercial highways and the advancement of its general prosperity than I accomplished in the whole time I was among the "confederate brigadiers" attempting to tear it down. [Laughter and applause.]

I have often voted general amnesty (and once carried it here in the House) to expunge the one side of this civil-war account. I shall be glad to do it again. Let there be ample amnesty for all the hot distempers and oblivion for all the brave, misguided chivalry of those days of tearing down, but neither amnesty nor oblivion for the mercenary desecration now of the old temple of democracy, wherein is enshrined the best ark of our covenant and the emblems of our faith!

Let me here insert a list of appropriations for certain objects and localities.

Appropriations for the States of West Virginia, Michigan, Wisconsin, and Minnesota for rivers and harbors, in annual appropriation bills, from Forty-first to Forty-fifth Congress, inclusive. (First session Forty-first Congress, no appropriations in detail.)

WEST VIRGINIA.

Rivers and harbors.	Act approved July 11, 1870.	Act approved Mar. 3, 1871.	Act approved June 10, 1872.	Act approved Mar. 3, 1873.	Act approved June 23, 1874.	Act approved Mar. 3, 1875.	Act approved Aug. 14, 1876.	Act approved June 18, 1878.	Act approved Mar. 3, 1879.	Total.
Upper Monongahela and Monongahela, between Morgantown and New Geneva	.....	.....	$25,000	$66,000	$25,000	$22,000	.....	.....	.....	$138,000
Great Kanawha	.....	.....	.....	25,000	25,000	300,000	$270,000	$222,000	$150,000	992,000
Little Kanawha	.....	.....	.....	.....	.....	.....	7,300	18,000	18,000	43,300
New River	.....	.....	.....	.....	.....	.....	15,000	15,000	12,000	42,000
Monongahela in West Virginia and Pennsylvania at Hoard's Rocks	.....	.....	.....	.....	.....	.....	.....	25,000	24,000	49,000
Guyandotte	.....	.....	.....	.....	.....	.....	.....	2,000	1,000	3,000
Elk River	.....	.....	.....	.....	.....	.....	.....	5,000	.....	5,000
	.....	.....	25,000	91,000	50,000	322,000	292,300	287,000	205,000	1,272,300

MICHIGAN.

Ontonagon	10,000	.....	.....	.....	23,000	25,000	15,000	15,000	17,000	105,000
Marquette	25,000	60,000	50,000	15,000	15,000	15,000	2,000	2,000	1,500	185,500
New Buffalo	5,000	.....	.....	.....	.....	.....	.....	.....	.....	5,000
Aux Becs Scies	10,000	10,000	.....	.....	.....	.....	.....	.....	.....	20,000
Manistee	20,000	9,000	10,000	10,000	10,000	25,000	14,000	15,000	10,000	123,000
Pere Marquette	10,000	10,000	10,000	.....	.....	.....	.....	.....	.....	30,000
White River	20,000	20,000	10,000	7,000	10,000	10,000	5,000	12,000	7,500	101,500
Muskegon	10,000	15,000	10,000	.....	10,000	25,000	15,000	.....	5,000	90,000
Grand Haven	10,000	6,000	15,000	75,000	50,000	.....	15,000	15,000	9,000	195,000
Black Lake	10,000	10,000	10,000	12,000	15,000	15,000	15,000	10,000	6,000	103,000
Saugatuck	10,000	10,000	15,000	10,000	10,000	10,000	3,000	2,500	5,000	75,500
South Haven	10,000	15,000	12,000	20,000	10,000	10,000	10,000	12,000	7,500	105,500

Appropriations for the States of West Virginia, Michigan, Wisconsin, and Minnesota for rivers and harbors, &c.—Continued.

Rivers and harbors.	Act approved July 11, 1870.	Act approved Mar. 3, 1871.	Act approved June 10, 1872.	Act approved Mar. 3, 1873.	Act approved June 23, 1874.	Act approved Mar. 3, 1875.	Act approved Aug. 14, 1876.	Act approved June 18, 1878.	Act approved Mar. 3, 1879.	Total.
Saint Joseph	$15,000	$10,000	$3,000		$2,000		$12,000	$12,000	$6,000	$60,000
Saint Mary's Falls, Canal, and River	150,000	250,000	300,000	$200,000	200,000	$200,000	130,000	175,000	300,000	1,905,000
Au Sable	15,000	10,000	10,000				1,000		7,000	43,000
Saginaw, and River	1,500				15,000	30,000	11,000	25,000	8,000	90,500
Saint Clair Flats and Canal	16,500	1,500	4,000	100,000				5,000	3,000	130,000
Clinton River	5,000	1,500								6,500
Pentwater	10,000	10,000	30,000	20,000			10,000	10,000	6,000	86,000
Cheboygan		10,000	15,000	15,000	15,000	15,000	10,000	8,000	3,000	91,000
Harbor of Refuge and Lake Huron		100,000	100,000	75,000	75,000	100,000	75,000	100,000	75,000	70,000
Menomonee, (Michigan and Wisconsin)			25,000	25,000						50,000
Frankfort			10,000	10,000	10,000	10,000	3,000	8,800	4,000	57,800
Mouth of Black River			15,000							15,000
Monroe			10,000	15,000	10,000	10,000	5,000	2,500	2,000	54,500
Ludington				25,000	20,000	10,000	10,000	15,000	5,000	85,000
Saint Clair River				15,000	15,000	10,000		1,500		41,500
Detroit River					25,000			100,000	50,000	175,000
Eagle Harbor						10,000	12,000	8,000	2,000	32,000
Sebewaing						8,000				8,000
Pine and Saint Clair						5,000				5,000
Charlevoix							10,000	12,000	9,000	31,000
Thunder Bay							4,500			4,500
WISCONSIN.										
Superior City and Duluth	40,000	60,000	50,000	100,000			3,000	3,000	5,000	261,000
Green Bay	17,000	17,500		20,000	10,000	10,000	8,000	5,000	4,000	91,500
Manitowoc	20,000	11,000		20,000	10,000	10,000	8,000	15,000	6,500	100,500
Sheboygan	15,000	15,000	18,000	10,000	10,000	12,000	6,000	4,000	3,000	93,000
Milwaukee	40,000	38,000		10,000	10,000	25,000	26,000	15,000	7,500	171,500
Racine	10,000	10,000		20,000	10,000	10,000	8,000	10,000	6,000	84,000
Kenosha	10,000	10,000	10,000		10,000	15,000	8,000	8,000	5,000	76,600
Port Washington	15,000	15,000	15,000	15,000	10,000	10,000	8,000	5,000	7,500	100,500
Fox and Wisconsin Rivers improvement	110,000		145,000	300,000	300,000	500,000	270,000	250,000	150,000	2,025,000
Two Rivers		25,000	25,000	25,000	15,000	15,000	5,000	10,000	20,000	140,000
Ahnapee		25,000	25,000			25,000	8,000	8,000	7,000	98,000
Menomonee, (Wisconsin and Michigan)		25,000			25,000	25,000	8,000	10,000	10,000	103,000
Harbor of Refuge, Sturgeon Bay, and canal				40,000	10,000			30,000	30,000	110,000
Chippewa River							10,000	10,000	8,000	28,000
Saint Croix River								10,000	8,000	18,000
Harbor of Refuge, Portage									10,000	10,000
MINNESOTA.										
Minnesota River	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000		80,000
Falls of Saint Anthony and river above	50,000	50,000	50,000	50,000	150,000	100,000	120,000		10,000	580,000
Duluth Harbor		60,000	50,000		10,000	35,000	15,000	30,000	25,000	225,000
Lock and dam, Meeker's Island				25,000						25,000

RECAPITULATION.

West Virginia	$1,272,300
Michigan	4,819,300
Wisconsin	3,510,000
Minnesota	910,000
	11,505,600
Total amount of annual river and harbor appropriation bills from Forty-first to Forty-fifth Congress, inclusive	54,968 21

With such a long catalogue of rivers and what not, for improvement, one would think nature had been niggard toward this land, and that the Government in its blessings had mocked us, as the thirsty Tantalus, who had sight of water but no power to use it. Yet our rivers are long and our lakes are broad, our sea-coast many thousand miles, and our harbors beyond comparison. The general features of this country are juicy. Yet why waste so much in spoiling them? Where shall we venture hereafter, if this goes on, for natural scenery and unartificial transportation? All our little and big places are to be improved. Is there no work to be done in the mountains, where at least "five wild torrents fiercely glad" bound out of some glacier into the sunlight and sing the song of the Alps without desecrating the sanctity of nature by the rude hands of sordid legislation? Why not, if we must aid the waste places, go to the alkali plains and utilize them? There are spots where not even an Arab might find a date and a camel would not totter to his fall; where even the Bedouin would not dream of an houri or listen, in fancy, to the call of the distant muezzin.

THE KISKIMINETAS.

These bills, by whomsoever surveyed, engineered, propounded, and adopted, had—

> All the infections which the sun sucks up
> From fens, bogs, flats.

As I read the river and harbor bills of the past two years in the statutes, what a commentary comes to my mind! Here are ten pages in the second session of the Forty-fifth Congress and thirteen pages in the next session. Nearly all these pages are full of streams unknown to any ordinary geography.

Mr. REAGAN. Does the gentleman refer to the Kiskiminetas as a river ever appropriated for in this Congress?

Mr. COX. Oh, I know all about it; the appropriation was only for a survey—merely opening a way for an appropriation to improve the river. I understand that when the survey took place they bored a hole in that stream for abutments, and all the water ran into the hole. [Laughter.]

Mr. REAGAN. I am sorry——

The CHAIRMAN. The gentleman from New York is not subject to interruptions, except by his own consent. Any gentleman desiring to interrupt him will please address the Chair in the first instance.

Mr. COX. I consent to no more interruptions.

Mr. REAGAN. The gentleman ought to consent when he misrepresents facts on a grave subject.

The CHAIRMAN. The Chair, when he understands whether the gentleman from New York consents to interruptions, will govern himself accordingly.

Mr. COX. I think it likely that in a few minutes the gentleman will get up again, and I will then indicate whether I consent to the interruption.

Mr. KELLEY rose.

Mr. COX. I hope the gentleman will not interrupt me.

Mr. KELLEY. I merely wish to ask whether when the Kiskimin-

etas was drained, as the gentleman has suggested, they did not get a good turnpike road. [Laughter.]

Mr. COX. I presume that was the very object of the appropriation. A gentleman told me the other day that going through that part of Pennsylvania and looking out of the car window he saw some water there. An iron furnace was built right on the banks of the Kiskiminetas, and a little water was used for the purpose of running the furnace. All at once the furnace stopped; there were some sows and pigs in the stream. They needed public improvement, and the great iron interests of Pennsylvania were suffering in consequence. [Laughter.]

These streams named in these statutes I cannot name.

It would be invidious to name them. Some of course are for surveys; but on page 162, where the "Kiskiminetas and Conemaugh Rivers from the mouth of the Kishiminetas, to the mouth of Stony Creek on the Conemaugh," assumes importance, as a sample. When I read of Rogue River, Duck Creek, Kankakee, Taugipahoa, Chickasaboy, Mispillion Creek, Wateree, Sebewaing, Gasconade, Minnepesaukie, Manitowoc, Scuppernong, and Chickahominy, they are all included in the generic term, Kiskiminetas; they comprehend the principle. [Laughter.]

This gentle stream is recalled by the remarks of the gentleman from Texas. He referred to our former debate as to "dry creeks and macadamizing."

From it learn most, if not all, the exuberance of our commerce appropriations. A gentleman from Louisiana [Mr. ELLIS] called the Kiskiminetas unpronounceable. To me, it rolls trippingly on the tongue, like bubbling honey! Kiskiminetas! There may be seen the Conestoga team, with its road wagon, its eight Norman horses, its bells, its tar-bucket and dog under the wagon—illustrative of the earlier days of Pennsylvania enterprise. [Laughter.] But what should be said of the gentleman from Michigan, or rather Port Huron? Is there any appropriation bill for rivers and harbors which he has not championed, especially when it had fabulous amounts for his own beloved waters, which the foregoing table develops? Nearly five millions in a few years and for every little discrepancy in her natural scenery of land and water. After all his devotion, I expected to see him follow the former member from West Virginia [Mr. HEREFORD] to the Senate; but his day will come. Steal gently, ye years of unrequited toil—steal away, and give my vigilant friend his reward on earth before he attains to that other sphere.

Being on the Commerce Committee for years, and making his combinations with skill and audacity, he has been enabled to draw from the Treasury millions of money for his own and other petted localities. Here are over thirty different places—watering places—all wanting money. Water, water, everywhere; so that one might expect to see members from Michigan, like old Aberon, rise here clad in humid vestments.

WHAT ARE THE WILD WAVES SAYING?

So that it would appear a good deal depends not merely on the kind of men who are on the committees, but on their locality. I would as soon expect generosity for abstract principles of general legislation when a member is prodded from behind by an avidious constituency, as milk from a male tiger. Gentlemen, as appears by the list, divide with no one except when they get the largest share; and only give away as much as is necessary to secure their own part of the spoil. This legislation reminds me of the old maps of China. They drew a square, then a circle inside the square, as large as possible. All inside the circle except the little four corners was the Celestial flowery kingdom; all outside were barbarians, and banished from its beatitudes. When, therefore, a member speaks with all the soft and sweet vibrations of a Sabbath bell and pleads with such a loving voice for his old Committee on Commerce to have control of the river and harbor moneys, we know it simply means the aggrandizement of his own beloved Texas, West Virginia, or Michigan, and who inside of his charmed circle will reproach him?

But he is outstripped far in his water-frontage and his commercial interests by my young and ingenuous friend from West Virginia, who spoke so eloquently against this rule. Sir, I feel the need of caring for the great commercial enterprises of West Virginia! Our appropriation bills are full of attention to the immensity of her commercial wants. I would speak simply and modestly, as a member from the sylvan glades and forest repose of the placid coasts of the Atlantic; for how can "a satyr who comes staring from the woods speak like an orator?" Recognizing the fact, for I was born in the West, on one of its wildest coasts—I mean the Muskingum—having heard in my youth the deafening roar of its tumultuous surf and the everlasting shriek of its gigantic stern-wheelers, it is not impossible for me to feel and know what the wild waves are saying on the Big and Little Sandy. [Laughter.]

From creation's dawn till now the tempestuous fury of wind and tide and rushing waters has been going on out West. It became so incessant and so stupendous I retired to the placid, flower-margined banks of the placid Atlantic. There my restless spirit found repose; but, sir, memory, like the sea-shell which you place to your ear, recalls its august abodes, and murmurs as the ocean murmurs there; and in studying the duties of my position as a member of the little hamlet of New York, I could not fail to recall the wild sublimity of that early day when I snaked saw-logs and caught sunfish in the pelagic waters and thundering surfs of the magnificent Muskingum!

OIL!

Ah, sir, there is a happy provision of nature. Nature has her compensations. These tempestuous seas of Western Virginia, these pelagic waters, where the duodolium disports herself, are happily surrounded by other elements of moderation and temperance! Following the withdrawal of the bore from the soil of West Virginia rises the flexile column of petroleum! Oil, sir, oil! By all the gods of Greece, oil! Upon these wild and oceanic waters, where tempests roar and the despairing sea-gull itself fails to shriek out her agony as a restless damned soul—the waters of that State, in their maddening conflicts, would long since have dashed and washed the soil into solution, into the Ohio and Mississippi. Crazy deltas which no skill of Eads could remove or remedy, and immense continents which no Columbus could discover, would have been the consequence. But, sir, oil came to pour its healing into the wounds of Nature and to give peace to the troubled waters! It must be remembered that one reason for the Muskingum and Kanawha being made such general subjects of Federal anxiety is that its waters are here and there found to be saline. This gives added fury to their tempestuosities; and but for oil, and appropriations for slack-water and a coffer-dam or so, their wild and ungovernable fury in rolling down to the gentle Gulf of Mexico and the inviolate sea would destroy utterly all the efforts and bankrupt all the corporations engaged in protecting and leveeing the Father of Waters. Thus the child of Kanawha rules the father; and by consequence, when we appropriate for the one we aid the other. The principle is comprehensive. These terrific and irrepressible conflicts of Kanawha often have their placid moments, when its surface is specially oleaginous. Then the human heart longs to ask "What were the wild waves saying, brother?" when they were so wild and wrathful.

Hush! I think I hear them whispering, "Glory, honor, praise to the member from West Virginia who made it possible to override all the old traditions of democratic faith to care for the commerce of the Kanawha!" "Pæans and praises to the honored member from Texas who joins the eloquence of the Gulf to the mighty minstrelsy of the ocean in its thunderous diapason to protect the commerce of Kanawha and Port Huron! Immortalization on earth and immortality hereafter be to him of Michigan" thunders back "the profound, eternal bass" of the league-long rollers which thunder upon those tempestuous coasts! [Applause and laughter.]

Oh, sir, there is another, another and most inimitable kind of thunder preparing to reach this Capitol! I mean that of public reprobation. It demands that we have no more appropriation bills from such remarkable committees, and something like old-fashioned ways in caring for general interests!

CONCLUSION.

Mr. Speaker, I would not have entered upon this debate but for the personal challenge of the gentleman from Texas to those of us who contested with him for amendment and debate on his bills, and whom he charges again with misrepresentation and demagogism. Still I omit no opportunity, either before the people or here, to insist on the old rules of frugality and honesty. I dedicate now my later growth as I did my first fruits upon this altar.

I am not an indiscriminate praiser of the time past, even in our own history; but I admire the Government, in its beautiful proportions and divisions, which our honored ancestry built. They built wiser than they knew. What other polity could have withstood the shock of civil conflict and the demoralization of administration since its termination? If one of the revered architects of our system could appear from his tomb, would he not point with more severity than did "buried Denmark" at the present rottenness in the state? Where is the old simplicity and purity? Where the old champions? Who wields the sword of Arthur or the claymore of Bruce? Are not the teachings of frugality of the great men of even a quarter of a century ago habitually disregarded? The war is responsible for much reckless and unconscionable conduct. It is the canker which follows war. The insane greed for wealth, the enormous growth of capital, the ill-gotten and even well-gotten wealth, public debts and private speculations, shoddy display and superficial fashion, monopolizing corporations and family greed—the desire to shine in the calcium glare of the present feverish round of social and political junketing—these are the evidences of a rooted malady, for which the White House and the Congress are in part responsible, and to contribute to which this insane rage for making public works at every doorstep is a fruitful illustration. Our cradled Hercules will not grow great upon such watery food.

I will not say that this would have been otherwise had the democratic party, under similar circumstances, given the rule to manners and men. Yet it is not without pride that we point to the days when an austere simplicity crowned the characters of democrats of the Jefferson and Jackson type. These latter-day utterances, compared with the great and austere thoughts of the southern democracy of other days, are as the twang of a child's holiday trumpet to the lyre of David. We are not a peculiar people. Rome had her Cato; but she had her Domitian also. The austerity of the one is in great contrast

with the frivolity of the other; but the lesson Rome leaves us in matters of public extravagance as a cure for debasing squalor is pregnant with meaning for those who will read her decline and fall under the soft allurements of unbridled luxury.

When, therefore, my friend from West Virginia, whom I greatly respect, and whose sins are not like those of the veteran statesman from Texas, presents himself as helping the crusades against the Treasury for objects which those of the South in the better and elder days considered not merely unconstitutional but corrupting, and when he associates with these objects the unmercenary object for which these men or their sons imperiled all save honor, I must recall to him in sadness the sentiment which the North will soon learn, that there are no permanent trophies of civil conflict. There is a bridge of gold for the heroes of these dire and bloody contests, upon which they pass to that other world where no fallible judgment will meet them. The flag he flaunts so flippantly as one upborne by himself never shielded a system like that he now and here upholds. Oh, no, sir; oh, no! Let us all, as brethren with a common love and bond, furl that flag forever. Let us join in the song of the good Catholic priest Father Ryan, who was as much devoted to the Stars and Bars as to anything on earth except the cross of his Lord and Saviour:

Furl that banner! True, 'tis gory;
Yet 'tis wreathed around with glory,
And 'twill live in song and story
  Though its folds are in the dust;
For its fame on brightest pages,
Penned by poets and by sages,
Shall go sounding down the ages,
  Furl its folds though now we must.

Furl that banner softly, slowly;
Treat it gently; it is holy;
  For it droops above the dead.
Touch it not; unfold it never;
Let it droop there, furled forever.
  For the people's hopes are dead.

[Applause.]

Mr. BLACKBURN. I now move that the committee rise.

Mr. HORR. I should like to have ten minutes, but it will do me just as well in the morning. [Cries of "No!" "No!"]

Mr. BLACKBURN. I will consult the pleasure of the gentleman from Michigan. [Cries of "Go on!"] I will yield to the gentleman from Michigan.

Mr. HORR. If it be the pleasure of the House to give me ten minutes to-morrow I would prefer it. If not, I will go on now. [Cries of "Go on!"]

Mr. BLACKBURN. I simply desire to consult the pleasure of the gentleman from Michigan. If he wishes the time now I will yield; but if not, I will move the committee rise.

Mr. HORR. Then I will take ten minutes in the morning.

The CHAIRMAN. The Chair will remind the committee of the fact that by the order of the House all general debate has been closed on this bill at the close of this day's session. However, the Chair understands the gentleman from Michigan to ask unanimous consent for ten minutes, and that he may have that time now in the morning.

Mr. BLACKBURN. I wish to deal in exact fairness by the gentleman from Michigan. The House having ordered all general debate to be closed with this day's session, I wish to ask whether the gentleman will be entitled to more than five minutes should he not take his time now.

The CHAIRMAN. Only by unanimous consent, which the Chair understands the gentleman to ask.

Mr. BLACKBURN. I ask, then, is it competent for this Committee of the Whole on the state of the Union to change the order of the House fixing the limit for general debate on this bill?

The CHAIRMAN. It can only be done by the House.

Mr. GARFIELD. I suggest that an adjustment of this matter can be made in a moment by the committee rising and, in the House, asking unanimous consent to allow the gentleman from Michigan fifteen minutes to say what he desires to say.

Mr. BLACKBURN. I will be glad to do that.

The CHAIRMAN. That can be done to-day, or when the motion is made to go into committee in the morning.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the subject of the proposed revision of the rules, and had come to no conclusion thereon.

JANUARY 27, 1880.

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Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Rules on the subject of the revision of the rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the report of the Committee on Rules. All general debate having been closed by order of the House, the Clerk will now proceed to read the proposed rules by paragraphs for discussion and amendment under the five minute rule.

The Clerk read as follows:

RULE I.

DUTIES OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the gallaries, or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpœnas of, or issued by order of the House, and decide all questions of order subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the House.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be) say *Ay;*" and after the affirmative voice is expressed, "as many as are opposed say *No;*" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary legislative proceedings, except in case of a tie, or where his vote, if given with the minority, would make a tie, or will make or prevent a two-thirds vote where such vote is required, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

Mr. HAWLEY. I desire to move an amendment to clause 6 of Rule I, which has just been read. I move to strike out the words "in case of a tie, or where his vote if given with the minority would make a tie, or will make or prevent a two-thirds vote where such vote is required, or where the House is engaged in voting by ballot," and insert in lieu thereof the words "when his vote would be decisive." That amendment, if adopted, will dispense with a complicated mass of verbiage, and the clause will then read:

He shall not be required to vote in ordinary legislative proceedings, except when his vote would be decisive, and in all cases of a tie vote the question shall be lost.

Mr. BLACKBURN. Will the gentleman from Connecticut [Mr. HAWLEY] tell me if the purpose of his amendment is not to release the Speaker from voting where the House is engaged in voting by ballot?

Mr. HAWLEY. I am willing to leave that in if it is desirable to require his vote on such occasion.

Mr. BLACKBURN. I do not see that the amendment offered by the gentleman from Connecticut alters in any wise this clause of the report submitted by the Committee on Rules, except to make it somewhat terser, unless it be the object of the gentleman to release the Speaker from voting when voting is being done by ballot. I will say that such was not the conclusion reached by the Committee on Rules.

Mr. HAWLEY. I think my amendment, if adopted, will make the clause very much clearer. I do not desire to relieve the Speaker from voting where there is a ballot, and therefore I will modify my amendment so as to leave the clause in. In that case the rule would read, if amended:

He shall not be required to vote in ordinary legislative proceedings, except when his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

I think that will make the rule very much clearer.

Mr. ACKLEN. I offer as a substitute for the amendment of the gentleman from Connecticut that which I send to the Clerk's desk.

The Clerk read as follows:

SUBSTITUTE FOR CLAUSE 6 OF RULE I.

The Speaker has the right, but shall not be *required*, to vote in proceedings before the House, except in the case of a tie or where the House is engaged in voting by ballot.

Should the Speaker vote with the minority, and thereby make a tie, the question shall be deemed lost. Should the Speaker vote to make or to prevent a two-thirds vote where such vote is required, the question shall be deemed carried or lost, as the case may be.

Mr. HAWLEY. That is worse than the clause reported by the Committee on Rules.

Mr. ACKLEN. It will be observed that the substitute which I have offered does not change in the least the true intention of the rule as reported from the Committee on Rules. It does strike out the words "ordinary legislative" before the word "proceedings." I see no reason why the words "ordinary legislative" should be included in this rule. I do not think there are any *extraordinary* proceedings before this House which would absolve the Speaker from the duty of voting under the provisions of this rule.

Nor do I see the need of the word "legislative," because if all the proceedings before this House are legislative proceedings, then clearly that word is superfluous. If they are not all legislative proceedings, then there exists a double necessity for striking out that word in order to prevent any future misconstruction of the rules.

Mr. FRYE. The criticism made by the gentleman from Louisiana

[Mr. ACKLEN] only illustrates how easy it is to criticise. For instance, the gentleman says that the words "To vote in ordinary legislative proceedings" are not necessary; yet the very amendment which he offers declares that the Speaker shall have a right to vote. The Speaker has that right in every case coming before the House; therefore the language of the gentleman from Louisiana is open to precisely the same criticism which he applies to the rule reported by the committee.

Mr. ACKLEN. The gentleman misunderstands the amendment as offered. It does not propose to strike out the word "proceedings," but simply the words "ordinary legislative" as being superfluous and calculated to lead perhaps in the future to some misconstruction as to what are "ordinary" proceedings and what are "legislative" proceedings.

Now, we are not framing rules for this House alone, but perhaps for the government of this body in future Congresses. It is therefore necessary for us to make them as clear, as concise, as free from misconstruction as possible. If the gentleman had listened attentively to the reading of the substitute, I do not think he could possibly have objected to it. It does not propose to change in the least the true intention of the rule as reported by the committee, but to obviate any possible misconstruction of that intention.

Mr. FRYE. I only called attention to what was an apparent fact, that after the gentleman insisted, as a criticism upon the report of the committee, that two words in it were unnecessary, the very amendment which he offered proposed to insert six or eight words which were clearly unnecessary; for the Speaker has a constitutional right to vote on every question coming before this House; yet the gentleman in his amendment proposes to affirm that right.

Mr. ACKLEN. Will the gentleman tell me what half dozen unnecessary words are embraced in the proposed substitute; and will he further tell me the necessity for the words "ordinary legislative?"

Mr. FRYE. I have told the gentleman that the words in his amendment declaring that the Speaker shall have a right to vote are entirely unnecessary, because the Constitution gives him that right.

Now, Mr. Chairman, a word as to the amendment offered by the gentleman from Connecticut [Mr. HAWLEY.] That it makes the proposed rule better English I have no doubt; yet I think it is the gentleman's experience—I know it is my own—that a rule cannot be stated to this House too distinctly and clearly. A rule of the House is addressed to all classes of minds. It seems to me that the rule reported by the committee more distinctly sets out each case in which the Speaker may be required to vote than the rule as proposed to be amended by the gentleman from Connecticut.

Now, in this rule the committee had but one purpose, to provide clearly for the case of a tie vote and the case where a two-thirds vote is required by law or by a rule of the House. It seems to me better to state these two cases in which the Speaker may be required to vote than to leave the matter, as the gentleman from Connecticut proposes, to the determination of the single word "decisive." To be sure, any man in course of time will figure out the significance of this term "decisive;" but if we take the rule as the committee report it, it will not require any figuring at all. The meaning will be clear before every man's face.

Mr. ACKLEN. Will the gentleman yield for a question?

Mr. FRYE. Yes, sir.

Mr. ACKLEN. Will the gentleman now tell me what the committee mean by "ordinary legislative proceedings?"

Mr. FRYE. Precisely what the words express. [Laughter.]

Mr. ACKLEN. Are those words necessary in connection with the right of the Speaker to vote? Are there any proceedings of an extraordinary nature in which he is not allowed to vote?

Mr. FRYE. Well, a vote by ballot would not be regarded as an ordinary proceeding, although a vote by ballot is undoubtedly required in the performance of certain duties devolved upon this House. But it would not be an ordinary proceeding.

Mr. ACKLEN. Is not that provided for in the other part of the rule?

Mr. FRYE. Conceding that these words in the committee's proposition are not necessary, I think the first six words of the gentleman's amendment are clearly unnecessary.

Mr. BURROWS. Mr. Chairman, I am in favor of the amendment of the gentleman from Connecticut [Mr. HAWLEY] for the reason that in my judgment the rule as worded in the report is clearly defective, and the amendment will correct the error and make the rule more concise. The rule, as reported by the committee, requires the Speaker to do a thing which is absolutely useless. The clause requiring the Speaker to vote "where his vote if given to the minority would make a tie" really requires him to do in some cases a thing which can have no effect upon the result. His vote if given to the minority can only be of avail where a proposition has prevailed by one majority. Where the proposition is lost by one majority his vote cannot be effective. For instance, suppose on a motion to adjourn the votes stand 100 in the affirmative to 99 in the negative; then if the Speaker votes with the minority he makes a tie and thereby defeats the motion; but if the affirmative vote be 99 and the negative 100, then, whichever way the Speaker may vote, the result is not changed. If he votes in the negative, there being already a majority on that side, the motion is of course lost; and if he votes in the affirmative the result is a tie, and the motion is still lost.

Mr. BLACKBURN. Mr. Chairman, I do not desire to discuss a matter upon which there can be no possible material difference in the House. I will say by way of reply to the gentleman from Louisiana, [Mr. ACKLEN,] I do not think this committee should accept such a rule as he proposes. It is less definite than the rule submitted by the Committee on Rules, and far more prolix. He travels out of his way to guard the right of the Speaker to vote. That is not needed. Prior to 1803 there was a rule of this House which prohibited the Speaker from voting. In that year, when a very important question was pending before the House which looked to a constitutional amendment regulating the election of President and Vice-President, the then Speaker of the House, Mr. Macon, insisted on his right under the Constitution, although Speaker, yet still a member, to exercise that prerogative and cast his vote, and in the face of the rule his demand was acceded to and he did vote. The Speaker does not need to be guarded in that right as the gentleman proposes in his substitute.

As to the use of the words "ordinary legislative proceedings," which the gentleman has inquired about, they were not incorporated here by the Committee on Rules without consideration, and however faulty this work may prove to be, I think the discussion had will show there is but little if any of it which was not duly considered before it was inserted, even though it may have been improperly introduced. There are proceedings in the House upon which I take it no one would want the Speaker to refrain from voting, as the question of the election of officers or the question of an impeachment trial. These are extraordinary proceedings. They are not ordinary legislative proceedings. Hence the object of the Committee on Rules found its best expression in the very language and phraseology employed.

As to the point made by the gentleman from Michigan [Mr. BURROWS] I will say but one word. I do not think the proposition of the committee amenable to his criticism. I think it better as it is offered by the Committee on Rules than the amendment offered by the gentleman from Connecticut [Mr. HAWLEY] or the substitute offered by the gentleman from Louisiana [Mr. ACKLEN.] There might be a test vote on a question where a hundred votes will be given in the affirmative and ninety-nine votes in the negative, to employ the very illustration the gentleman from Michigan has adopted. Now, he complains that under the proposition of the committee the Speaker, if voting in the affirmative, would not change the result.

The rule as proposed by the committee does not require the Speaker's vote to be given in such case unless it be given to the minority, thereby making a tie, and thereby rejecting a measure which would otherwise be passed.

The gentleman from Michigan, if he were in charge of a bill here, would at least rather have it lost by reason of the operation of parliamentary law than have it rejected by a majority vote of the House. But these matters were all considered, and there is no material difference between the rule as offered and the amendment tendered by the gentleman from Connecticut. I do not think there are advantages to be given by his amendment which are not at least if not more than counterbalanced on the other side. I trust the committee will now vote and dispose of the question.

[Here the hammer fell.]

Mr. ACKLEN'S amendment to the amendment was rejected.

The question recurred on Mr. HAWLEY'S amendment.

Mr. BURROWS rose.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. BURROWS. I move to strike out the last word, for the purpose of asking the gentleman from Kentucky a question. I understood the gentleman from Kentucky to state that the rule as reported, and as it stood in our body of rules, requires the Speaker to do that which would not affect the result?

Mr. BLACKBURN. The gentleman misunderstood me.

Mr. BURROWS. I understood the gentleman from Kentucky to state that this rule, as it stands, requires the Speaker to vote in all cases where the vote differs only by one, and that in some cases we have, when the proposition is lost, it would not change the result?

Mr. BLACKBURN. The gentleman from Michigan understood me to say that, under the rule as reported by the committee, there may be a case in which the vote given by the Speaker would not change the result so far as the fate of the bill was concerned; for instance, where there is a tie before he votes.

Mr. BURROWS. Yes, sir.

Mr. BLACKBURN. That is all.

Mr. BURROWS. Would not that be in all cases where a proposition was lost by a vote of one?

Mr. BLACKBURN. That is the only case, and none other.

Mr. BURROWS. In all such cases?

Mr. BLACKBURN. But I asserted there, in addition to that, that while it did not change the fate of the bill, I apprehended it put the measure before the House and the country in a very different light.

Mr. BURROWS. Then I ask the gentleman if it is not the policy in legislative proceedings to relieve the Speaker from voting on all propositions except in those cases where his vote would be decisive?

Mr. BLACKBURN. I think not.

Mr. BURROWS. I so understand it to be; and clearly this rule as

adopted with the amendment of the gentleman from Connecticut requires the Speaker to do a thing which has no sanction.

Mr. GARFIELD. I think the amendment offered by the gentleman from Connecticut had better be adopted. I understand this rule to be solely for the Speaker's protection. The theory of our parliamentary rules is that the Speaker should not be required ordinarily to cast his vote. His duties are such it is hardly fair to demand of him the enforcement of the usual rule that a member shall vote, for he is often so much engaged in the ministerial duties of his place that it would be an absolute injury to his work as Speaker to be compelled to cast his vote. But to save the House from a dead-lock in a case where legislation ought to be decided one way or the other, it is very proper that he should be required to vote. I do not see that anything is lost by leaving out the two-third clause, as it is left out in terms in the amendment which is pending. I believe it does not essentially change the purpose that the committee had in view in making the report. I am so anxious we should get on that I, for one, am willing it should be adopted.

Mr. BURROWS. I withdraw the *pro forma* amendment.

The question recurred on Mr. HAWLEY'S amendment.

The committee divided; and there were—ayes 60, noes 47.

So the amendment was agreed to.

The Clerk read the next paragraph, as follows:

7. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment: *Provided, however*, That in case of his illness he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker *pro tempore* to act during his absence.

Mr. KEIFER. I move to amend this paragraph by inserting after the word "illness," in the third line, the words "or contemplated absence;" so that it will read as follows:

That in case of his illness or contemplated absence, &c.

Mr. GARFIELD. I think, if my friend will allow me, that he should strike out the word "contemplated" and insert "leave of absence," because the theory of our rules always is that the Speaker's duty is to be here; and he requires leave of absence to go from the House as much as any other member. I think it would be better.

Mr. KEIFER. I am thankful for the suggestion of the gentleman, and to save time I think the language proposed in my amendment is exactly right. It presupposes that the Speaker had leave of absence, had the right to go from the House, and would not contemplate absence without the right or the leave of the House.

Mr. ELAM. Let me ask the gentleman the question, why do you not say when leave of absence has been granted to the Speaker? That is clearer than "contemplated absence." What do you mean by that "contemplated absence?"

Mr. KEIFER. If the Speaker is in his chair, to illustrate, to-day, and he contemplates going away, to-morrow or at the moment he intends to go away to be absent a short period of time, having obtained leave of absence, if you please, I propose to give him by this amendment the right to appoint some member to perform the duties of the Chair in that absence. If he is sick in his chamber at home, he is given by the rule as it is now prepared by the committee the right to name some person to perform the duties of the Chair, not to extend beyond ten days. The same applies to the proposed amendment. I suggest my amendment simply to make it harmonious.

Mr. BAYNE. Suppose he does not go?

Mr. KEIFER. If he does not go, then his appointment falls; that is all.

Mr. FRYE. By the first part of clause 7 it will be seen it is the purpose of the House that the House itself shall elect a Speaker *pro tempore* in all cases of the absence of the Speaker where it is not beyond one adjournment. That is a right the House has always intended to keep within its jurisdiction—to elect a Speaker where he is absent for more than one day. Now, the gentleman here proposes to give away that right, which the House has always retained to itself, for the ten days, if the Speaker contemplates going off for ten days. It seems to me the old jurisdiction is the right one; if the Speaker himself deliberately determines to leave his chair for ten days, that then the House should have the right to elect a Speaker *pro tempore* in his absence. If, however, he accidentally happens to be taken sick he may well, not being here himself, appoint somebody to fill his place for a period not exceeding ten days.

Mr. KEIFER. With the approval of the House he does both. I do not see any consistency in the rule as now proposed. In case of sickness the Speaker of the House is authorized to nominate some member to discharge the duties of the Chair; but if he has to go away for two or three or more days, he is not permitted, with the approval of the House, to make such a nomination.

Mr. FRYE. The amendment would simply permit the Speaker an easier mode of going away.

Mr. DUNNELL. I would like to ask the gentleman from Maine if the amendment offered by the gentleman from Ohio [Mr. KEIFER] is not in harmony with what has been the custom of the last four or five years?

Mr. FRYE. I do not understand it is. I understand where the Speaker has announced his purpose to be gone for more than one day we have always elected a Speaker *pro tempore*.

Mr. DUNNELL. I think the gentleman is mistaken. I recall a good many instances where the Speaker has said, "I intend to be absent from the city for the next two or three days, and, with the permission of the House, I will nominate so and so to discharge the duties of the Chair during my absence." I think the present Speaker has been absent in that way on more than one occasion.

Mr. FRYE. If the Speaker has done that he has done it right in the face of the rules of the House, because the rules say distinctly the Speaker's right to nominate a member to perform the duties of the Chair shall not extend beyond an adjournment; and the first clause of this section of the rule is taken substantially from the existing rules:

He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

Mr. BLACKBURN. Does the gentleman from Ohio [Mr. KEIFER] accept the suggestion of his colleague [Mr. GARFIELD] as to the phraseology of his amendment? How does it read now?

Mr. KEIFER. If my amendment should be adopted, that portion of the rule would read as follows:

Provided, however, That in case of his illness or contemplated absence, he may make such appointment for a period not exceeding ten days, with the approval of the House, &c.

The question being taken on Mr. KEIFER'S amendment, there were ayes 23.

Mr. KEIFER. I do not call for further count.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. For the convenience of the Clerk, and in order that these proceedings may be accurately reported, the Chair requests members to reduce their amendments to writing and to state at the same time the exact places where the amendments will come in.

The Clerk read the proposed Rule II, as follows:

RULE II.

ELECTION OF OFFICERS.

There shall be elected by a *viva voce* vote at the commencement of each Congress, to continue in office until their successors are chosen, a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath for the true and faithful discharge of the duties of his office to the best of his knowledge and ability, and to keep the secrets of the House, and each shall appoint all of the employés of his department provided for by law.

Mr. CALKINS. I offer the following amendment:

Insert in the fourth line, after the word "oath," the following: "to support the Constitution of the United States."

I think there will be no objection to that amendment.

The amendment was agreed to.

Mr. KEIFER. It appears to other gentlemen here as well as myself that there is an omission in this rule, and I propose to amend it by adding the following:

The Speaker shall be chosen by a *viva voce* vote.

I will withdraw the amendment if the gentleman in charge of the report or any other gentleman can point out to me any provision in these rules for electing the Speaker; that is, for the manner of electing a Speaker. I know the Constitution provides the House shall elect a Speaker. This Rule II is chiefly made up from the old rule No. 10, but it omits the last part of the old rule, which provides for the election of the Speaker by a *viva voce* vote by the use of this language:

In all cases of election of the House of its officers the vote shall be taken *viva voce*.

There is nothing of that kind in this Rule II, as I understand it. For a great many years also, as I understand by looking at these rules, it has been provided that the Speaker of the House shall be elected by a *viva voce* vote; ever since 1839, I believe. Now, if I am not mistaken in my reading of the rules on this subject, there is of course an omission in this new rule.

Mr. BLACKBURN. I will answer the gentleman and say that there is no requirement made upon the House in the revision of these rules to elect a Speaker simply because the second section of the first article of the Constitution declares that—

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The last rule of this system of rules reported makes these rules the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered. The second rule of the proposed revision declares that the officers of the House other than the Speaker shall all be elected by a *viva voce* vote. Those are the only provisions which touch the question to which the gentleman from Ohio has referred.

Mr. KEIFER. I understand the gentleman from Kentucky agrees that there is nothing in the rules that regulates the manner of electing a Speaker.

Mr. BLACKBURN. I will say to the gentleman it is a matter for the House to determine for itself. The proposed Rule No. II which the gentleman is proposing to amend is actually, as far as his point goes, the existing rule now.

Mr. KEIFER. Not at all.

Mr. BLACKBURN. It is for the House to determine how it will elect its Speaker. It is a duty made mandatory by the Constitution that it shall elect the Speaker; but as to the method or manner of electing him it is for the House itself to determine.

Mr. KEIFER. I think it is certainly very clear that the House of Representatives shall choose a Speaker and other officers. That is perfectly clear under the second section of the first article of the Constitution of the United States. But for forty years we have had a rule in this House regulating the manner of electing the Speaker as well as other officers. I might reply to the gentleman by saying that the same clause of the Constitution of the United States that gives power to the House to elect its Speaker also gives power to the House to elect all its other officers; and yet in this Rule II the committee propose it provides a mode of electing all the other officers of the House save and except the Speaker of the House.

Now, if the gentleman will permit me, and if I am mistaken I will be glad to be corrected, I desire to call his attention again to Rule 10. He will see that a material part of that rule has been omitted—the part stated to have been adopted in 1839, forty years ago.

That is the part that by a sweeping clause at the end of the rule provides that "in all cases of election by the House of its officers," which includes the Speaker and all the other officers, "the vote shall be taken *viva voce*." There is no such provision in this new rule. Now, if we do not desire in adopting these rules to determine at this time how the Speaker shall be elected, then of course my amendment should be voted down. But it is in exact harmony with a rule which has prevailed for forty years.

Mr. WRIGHT. I have a word to say against the amendment.

The CHAIRMAN. Debate is exhausted upon the amendment.

Mr. WRIGHT. I move to strike out the last word. The Constitution provides that a Speaker shall be elected by the House. Now, ought it not to be left to each House to determine the mode and manner in which it will elect its Speaker? Ordinarily the practice has been to elect the Speaker by a *viva voce* vote.

Mr. BLACKBURN. It never has been the case otherwise.

Mr. WRIGHT. It never has been otherwise. Yet there may come an occasion when it would be right and proper for the House to elect its Speaker by ballot. That discretion certainly should be lodged with every House in its election of its presiding officer. Therefore, I object to the proposed amendment.

It is well enough to provide that the subordinate officers shall be elected by a *viva voce* vote. But I maintain that the House should retain the power of electing its presiding officer either by ballot or by *viva voce* vote, as the House may determine.

Mr. BURROWS. I desire to submit an amendment to the amendment of the gentleman from Ohio, [Mr. KEIFER.]

The CHAIRMAN. There is a second amendment already pending, moved by the gentleman from Pennsylvania, [Mr. WRIGHT,] to strike out the last word.

Mr. BURROWS. Perhaps the gentleman will withdraw that amendment.

Mr. BLACKBURN. I give notice now that in order to expedite action on these rules, and without being discourteous to any one, I shall hereafter object to the withdrawal of any amendments.

The CHAIRMAN. An amendment having been moved, it cannot be withdrawn except by unanimous consent.

Mr. WRIGHT. I will withdraw the *pro forma* amendment that I offered.

There was no objection, and the *pro forma* amendment was withdrawn.

Mr. BURROWS. I will suggest as an amendment to the amendment of the gentleman from Ohio, [Mr. KEIFER,] to insert in the third line, after the word "a" and before the word "Clerk," the word "Speaker."

Mr. GARFIELD. There is no objection to that.

Mr. KEIFER. The only doubt I had to inserting the word "Speaker" in that place was that further along in the rules there is a provision made as to the nature and kind of oath to be taken by these officers.

The CHAIRMAN. The amendment proposed by the gentleman from Michigan [Mr. BURROWS] is not, strictly speaking, an amendment to the amendment proposed by the gentleman from Ohio, [Mr. KEIFER,] which is to another part of the clause.

Mr. KEIFER. If it shall turn out that my apprehension is unfounded about this matter, then I will withdraw my amendment, and allow the amendment of the gentleman from Michigan [Mr. BURROWS] to be made. But I doubt whether we ought to undertake in this rule to provide the nature of the oath that the Speaker shall take, as provision is already made for that, as I understand it, in the Constitution of the United States. It would look as if we were undertaking by rule——

The CHAIRMAN. The Chair decides that the amendment proposed by the gentleman from Michigan [Mr. BURROWS] is not now in order and not before the committee.

Mr. FRYE. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. FRYE. Under this authority to vote *viva voce* for certain officers of the House, has it not been our custom to include them all in a resolution; the majority offering the resolution of the caucus, and the minority offering a resolution as an amendment to that, thus taking them all in a lump?

Mr. KEIFER. I do not know but that has been so.

Mr. FRYE. Then I wish to ask this——

Mr. KEIFER. That has been because there has been a general acquiescence in that mode.

Mr. FRYE. Does the gentleman mean that we shall be permitted to include the Speaker of the House of Representatives in such a resotion, and vote for them all by resolution?

Mr. KEIFER. I do not mean anything of the kind. That is an arrangement in reference to the other officers, and it is one that does not depend upon the rule at all.

Mr. GARFIELD. It has been by unanimous consent.

Mr. KEIFER. Yes, by unanimous consent. What I desire, in no spirit of opposition to these rules, because I am going to vote for them when we get through, for if there are a great many bad things in them they are better than the present rules——

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. BLACKBURN. Is it the purpose of the gentleman from Ohio in offering this amendment to undertake to deny to a newly assembled Congress the right to determine the method of electing its own officers and perfecting its organization?

Mr. KEIFER. I will answer that by saying that in these very rules, which it is proposed shall be adopted, we propose to regulate the action of future Houses in the election of all their officers, save and except the Speaker. And, furthermore, I wish to state that I do not believe these rules will be binding upon future Houses when they meet in any respect, although the committee of which the gentleman seems to be a prominent member has provided in the concluding portion of these rules that they shall be so binding.

Mr. BLACKBURN. The gentleman has made the very blunder that I thought he was making, and if he will just let me say one word he will see it. This rule does propose to declare that all the officers of this House except the Speaker shall be elected by *viva voce* vote. The last rule of this series does propose that these rules shall be the rules of succeeding Congresses—till when? "Until otherwise ordered." Now will any gentleman say that when a new Congress meets it may not go on and elect its Speaker, and then, if it pleases, change all these rules to suit itself? But if you require that the Speaker as well as the subordinate officers of the House shall be elected by a *viva voce* vote, then when a new Congress meets, not being an organized body, it cannot proceed without rules, and it cannot change this rule until the Speaker is elected.

Mr. KEIFER and Mr. REAGAN rose.

The CHAIRMAN. There is no proposition before the committee except the amendment of the gentleman from Ohio, [Mr. KEIFER,] on which debate is exhausted.

The question being taken, the amendment was not agreed to; there being—ayes 37, noes 77.

Mr. KNOTT. I move to amend this rule by striking out, in lines 1 and 2, the words "at the commencement of each Congress." My reason for offering this amendment is simply that this House can only prescribe rules for itself, and the rules which it prescribes for its own government expire when the Congress expires. Whatever rules we may adopt here to-day will have no more force in any succeeding House until affirmatively adopted by that House than a blank piece of paper. The proposition seems to me so self-evident that it cannot be argued. The Constitution provides that "each House may determine the rules of its own proceeding." We have no more authority to prescribe the rules of proceeding for any subsequent Congress than we have to select officers for a subsequent Congress. Our power ceases when our terms expire. We can only make rules for our own government.

Mr. BAKER. I would like to ask the gentleman from Kentucky [Mr. KNOTT] a single question—whether, in point of fact, since 1860, there has not been in our body of rules one providing that the rules should continue from Congress to Congress until otherwise ordered?

Mr. BLACKBURN. I will answer that question.

Mr. KNOTT. My colleague will allow me to answer, as the question has been put to me.

Mr. BLACKBURN. I do not wish the gentleman to answer out of my time.

Mr. KNOTT. Very well.

Mr. BLACKBURN. If there be any reason for the adoption of the amendment proposed by my colleague, he had better withdraw it and move to strike out the whole of Rule II. If his theory is correct, there would be no propriety or congruity in striking out the words "at the commencement of each Congress," and allowing the remainder of the

rule to stand. If no succeeding Congress is to be guided or governed by that or any other rule in this revision, then Rule No. II is worse than useless, because the duty it imposes has been already accomplished by this House in the election of its officers.

Mr. KNOTT. Let me ask my friend and colleague a question.

Mr. BLACKBURN. Certainly.

Mr. KNOTT. Suppose our Sergeant-at-Arms, Doorkeeper, Clerk, and Chaplain, and all other officers, should die or resign?

Mr. BLACKBURN. Then there may be a vacancy.

Mr. KNOTT. And then this rule would have effect.

Mr. BLACKBURN. But as to primary obligation and duty, there would be nothing left of the rule. For more than three-quarters of a century, whenever a new Congress convenes, a resolution has always been adopted——

Mr. KNOTT. I should like to ask another question. If the rule of this House will bind a future House, where is the necessity of a resolution being adopted; and if such resolutions have been adopted, what then has been the force and virtue of this rule?

Mr. BLACKBURN. Were it not for my colleague's impatience he would have gotten his answer, and much fuller than he seems to comprehend it. I will say, if he will allow me, and I will go back, that for more than three-quarters of a century it was the rule with each new Congress to pass a resolution adopting the rules of the last preceding Congress for its guidance, and declaring them to stand until otherwise ordered. In the Thirty-sixth Congress, however, the present rule was adopted, which declared that the rules of that House should be the rules of succeeding Congresses until otherwise ordered, and from then until now it has there stood.

I did desire to get the House to see that the difference made between the Speaker and the subordinate officers of the House was that, while we propose to require the election of other officers *viva voce*, we do not that of the Speaker, because the very instant a new Congres selects a Speaker it may that very instant change the rules, but until the Speaker is elected it cannot. It is not an organized body. It has not power to do anything except to organize. Its Clerk has nothing to do except to preserve order and go on with the work of perfecting the organization, which means the election of a Speaker.

Now, do you propose to say that when a Congress that is to succeed this shall convene in this Hall, its Clerk, holding over for the purpose of effecting the organization, with whose services for such purpose you cannot dispense—do you propose to say these rules shall be no guide to him; that the policy pursued for seventy-five years is a blunder; that the rule adopted in the Thirty-sixth Congress, and afterward continued, is a mistake; and he shall have no system of rules for his guidance at all, and you remit him to the common parliamentary law?

[Here the hammer fell.]

Mr. REAGAN. I move to strike out the last word.

Mr. Chairman, stress has been placed by the gentleman from Kentucky, who has just preceded me, on the fact that a rule in past Congresses has been adopted that these rules shall be the rules of the House of Representatives for that and succeeding Congresses, until otherwise ordered. That is in flat contradiction to the provision of the Constitution of the United States. The gentleman then asks: If these rules are inoperative, then under what rules shall we proceed in the organization of the House. He said the parliamentary law should point out the rules we should be governed by, but they are not these rules. It is laid down by Cushing and other writers on parliamentary law that the common law of parliamentary proceedings, recognized generally by parliamentary bodies, constitutes and furnishes the rules which are to guide deliberative assemblies in their organization and in our constitutional government until Congress does adopt rules for its guidance.

I had occasion, sir, to present this question with the authorities during the Forty-fifth Congress. There is a clear distinction. The writers on parliamentary law lay it down that we are not left without rules even if this resolution should not be adopted, but that the common-law parliamentary usage, as applied to parliamentary bodies generally, is to be taken for our guidance and action until the House is organized, or at least until the House as a body has readopted the rules of the preceding House or adopted other rules for its guidance.

Mr. ATHERTON. I should like to ask a question. By what authority does the Clerk proceed in the organization of this House?

Mr. REAGAN. Under the very authority which I have referred to—under the common law of parliamentary usage as laid down by the writers on parliamentary law.

[Here the hammer fell.]

Mr. REAGAN'S *pro forma* amendment was rejected.

Mr. KNOTT'S amendment was rejected.

Mr. HORR. I move to amend this rule by inserting after the word "chosen," in the second line, the words "and qualified." An occasion might arise when the person elected to fill the office would not be here, and some provision ought to be made for such a contingency.

Mr. BLACKBURN. I have no objection to that amendment. It is already provided, though, that the officers shall take the oath upon their election, and if the gentleman will look immediately after the words to which he has referred in this rule, he will see that they are required to take an oath, and a very elaborate oath; which has been enlarged upon by the amendment offered by the gentleman from Indiana, not only to discharge his duties faithfully to the best of his ability, but to support the Constitution of the United States.

Mr. HENDERSON. That applies to officers already in office.

Mr. BLACKBURN. I think the rule covers the case, but I have no objection.

Mr. HORR'S amendment was agreed to.

Mr. URNER. I move to amend the same rule by inserting the words "except the Chaplain" after the word "whom" in the fourth line, so that the rule shall read:

There shall be elected, &c., a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom, except the Chaplain, shall take an oath for the true and faithful discharge of the duties of his office, &c.

My reasons for offering this amendment are these: The Chaplain has no duty to perform except to open the sessions of the House with prayer. He has no duty to perform but to pray. Now it is proposed to administer to him an oath that he will truly and faithfully perform that duty. I understand this House, by the selection of a man for the position of Chaplain, expresses its confidence in the sincerity of his vows taken at a higher altar than the bar of this House. Besides, sir, the old rules did not require it, and I am informed it has not been the practice heretofore to administer this oath to the Chaplain. I do not think the taking of the oath to "truly and faithfully" discharge the duties of his spiritual office either necessary or proper.

Mr. BLACKBURN. I would like to ask the gentleman from Maryland a question.

Mr. URNER. Certainly.

Mr. BLACKBURN. Answering the gentleman's question very seriously; it is necessary that that officer, like all of the other officers of the House, should be sworn to the performance of his duty in order to enable him to draw his salary. During the last Congress a special act had to be passed in order to enable the Chaplain to draw his salary in consequence of his having failed to take an oath.

Mr. DE LA MATYR. I think it well that the Chaplain should be required to take the oath as well as others. I think it is not well to trust ministers any further than other men.

Mr. LADD. If the Chaplain came from Maine it would be necessary that he should be sworn. [Laughter.]

The amendment was rejected.

The Clerk read as follows:

RULE III.

DUTIES OF THE CLERK.

1. The Clerk shall, pending the election of a Speaker or Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.

Mr. BLACKBURN. By the direction of the Committee on Rules, I offer a substitute for that first clause.

The Clerk read as follows:

1. The Clerk shall, at the commencement of the first session of each Congress, call the members to order and proceed to call the roll of members by States in alphabetical order. And pending the election of a Speaker or, subsequently, of a Speaker *pro tempore*, preserve order and decorum and decide all questions of order, subject to appeal by any member.

Mr. CONGER. Mr. Chairman, I move to amend the substitute proposed by striking out the word "subsequently." Occasions may arise where a Speaker *pro tempore* would be elected by the understanding of the House before the Speaker. Such a case has arisen already twice in the history of Congress, and might again. The object to be effected by the rule as reported by the gentleman is met by striking out the word "subsequently."

Mr. BLACKBURN. I am sure within the last forty years there has not been an instance, I do not think, in which a temporary Speaker was elected before the regular Speaker was chosen; but I have no objection to making the rule so read, by striking out the word "subsequently," as to cover the election of temporary Speaker either before or afterward.

Mr. CONGER. There have been two instances when, by unanimous consent, the duties of Speaker *pro tempore* have been performed by a member of the House appointed before the Speaker was elected.

The amendment to the amendment was agreed to; and then the amendment, as amended, was adopted.

The Clerk read as follows:

2. He shall make and cause to be printed and delivered to each member, or mailed to his address at the commencement of every regular session of Congress, a list of the reports which it is the duty of any officer or Department to make to Congress, referring to the act or resolution and page of the volume of the laws or Journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made; also make a weekly statement of the resolutions and bills upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each and the dates of such orders and proceedings, which statement shall be printed.

3. He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to Members and Delegates of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the members and officers of the House, and not to be withdrawn therefrom, two

copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the Legislature of every State and Territory; preserve for and deliver or mail to each Member and Delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged; attest all writs, warrants, and subpœnas issued by order of the House, certify to the passage of all bills and joint resolutions, and make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives, in pursuance of law or order of the House.

Mr. BLACKBURN. By direction of the Committee on Rules, I desire to submit an amendment to clause 3 of Rule III, just read, which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

Strike out the word "and" before the words "make or approve all contracts," and add to the clause the following: "and keep full and accurate accounts of all disbursements out of the contingent fund of the House, keep the stationery accounts of Members and Delegates, and pay them as provided by law."

The amendment was agreed to.

Mr. ROBINSON. I move to further amend the third clause by inserting after the word "attest" the words "and affix the seal of the House to;" so that it will read:

Attest and affix the seal of the House to all writs, warrants, and subpœnas issued by the order of the House, &c.

Mr. GARFIELD. That is right.

Mr. ROBINSON. That is in the old rule and should be in this.

The amendment was agreed to.

Mr. LAPHAM. I suggest to the gentleman from Kentucky [Mr. BLACKBURN] that after the word "regular," in the second line of the second clause of this rule, the words "or extra" should be inserted; so that it will read "at the commencement of every regular or extra session of Congress, a list of the reports," &c. It has been held that statutes speaking of "regular" sessions do not apply to "extra" sessions.

Mr. BLACKBURN. This rule only applies to the list of reports enumerated in the rule.

Mr. LAPHAM. Then I would suggest that the word "regular" be stricken out; so that it will read, "at the commencement of every session of Congress."

Mr. BLACKBURN. Will it be possible for the rule to be complied with by the Clerk at extra sessions of Congress?

Mr. LAPHAM. I think there will be no difficulty.

Mr. BLACKBURN. He has no information as to when the extra session will be called. I speak of it only in its practical bearings.

Mr. LAPHAM. He has the same notice that members have to come here.

Mr. BLACKBURN. I am sure I am not mistaken when I say that at the first or extra session of this Forty-sixth Congress this was not done, simply because it was not possible for the Clerk to do it.

Mr. LAPHAM. I only make the suggestion; I do not insist upon it.

No further amendment being offered, the Clerk read the following:

RULE IV.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend in person the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker *pro tempore*, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of members and delegates, and pay them as provided by law.

2. The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

3. He shall give bonds to the United States, with sureties to be approved by the Speaker, in the sum of $50,000, for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof, and no member of Congress shall be approved as such surety.

Mr. NEW. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend clause 3 of Rule IV by striking out all after the word "duties," in line 4, and insert the following:

And trusts imposed on him either by law or by the rules of the House, and for the default or misfeasance of any of his deputies or employés the Sergeant-at-Arms and the sureties on his bond shall be liable; and no member of Congress, officer, or employé of either House shall be approved as such surety.

Mr. NEW. I find upon an examination of the law that the Sergeant-at-Arms is required to make out and return to Congress on the first day of each regular session, and at the expiration of his term of service, a full and complete account of all property belonging to the United States in his possession.

Now, clause 3 of this rule which I propose to amend makes the Sergeant-at-Arms and his sureties liable for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof. But the word "trusts" is not a synonym of the word "duties." I take it that with the amendment which I propose the Sergeant-at-Arms would be made more clearly liable for any misappropriation or conversion of property in his possession belonging to the United States.

The next branch of my amendment makes the Sergeant-at-Arms liable upon his bond for the default or misfeasance of his deputies or employés—a rule or principle, as we all know, which is recognized in State legislation, and which has been recognized and followed in Federal legislation. For instance, the clerk of the circuit and district courts of the United States is liable upon his bond for the official conduct of his deputies. Every marshal of the United States courts, before entering on the duties of his office, is required to give bond for the faithful performance of those duties by himself and his deputies. Now, it will be observed that this rule as proposed nowhere declares, even in general terms, that the Sergeant-at-Arms shall be liable for the conduct of his deputies or employés. It is unlike Rule V in this regard, as to the Doorkeeper.

The next branch of my amendment is that not only shall members of Congress be excluded as sureties upon the official bond of the Sergeant-at-Arms, but that officers and employés of either House shall not be accepted as such sureties. It seems to me that the very obvious and strong reason why a member of Congress should not be approved as a surety upon the bond of the Sergeant-at-Arms, or other officer of the House, applies with great force to any officer or employé under him.

Mr. FRYE. So far as I am concerned I do not see any objection to the amendment offered by the gentleman from Indiana, [Mr. NEW;] I am rather inclined to favor it.

Mr. REED. I would like to ask the gentleman if he understands that any rule of this House can make the Sergeant-at-Arms responsible for the acts of his deputies, if he is not already by law so responsible?

Mr. NEW. That is a question I have not examined, but my present opinion is that if he should execute a bond binding himself for his deputies and employés as well as for his own official conduct he would be liable for the official misfeasance of such deputies and employés, although there might be no statute on the subject. If through the abundance of caution it should hereafter be thought best to legislate to that end it can be done.

Mr. REED. It would seem to me as if it was an attempt at legislation on the part of one-half of the legislative power.

Mr. BAKER. It does not seem to me that the proposed amendment to the third clause of Rule IV if adopted will add anything at all to that clause as it now stands. It already provides, so far as the adoption of any rule adopted by this House can provide for it, that the Sergeant-at-Arms shall be holden upon his bond for the faithful disbursement of all moneys that come into his hands.

Now, it does not matter whether those moneys shall be disbursed in person by the Sergeant-at-Arms, or whether they shall be disbursed by some employé of his. The obligation that he assumes under this rule is that he will answer for the disbursements of all moneys that come into his hands.

The same observation also applies with reference to the discharge of the duties of his office—all the duties of his office. The obligation of his bond makes him answerable for the proper discharge of all the duties of his office. If he is not able personally to discharge all those duties, by the terms of this rule, so far as the rules can accomplish that purpose, he is made answerable for the default of any employé. It seems to me it would be simply multiplying words, without adding anything to the clearness or the force of the rule as it now stands.

Mr. NEW. I desire——

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. DAVIS, of North Carolina. I will move to strike out the last word, and yield my time to the gentleman from Indiana, [Mr. NEW.]

Mr. NEW. I did not hear with entire distinctness the remarks made by my colleague, [Mr. BAKER.] The drift of what he said, however, I believe I gathered. In answer, I wish to say that I believe as a proposition of law that if the Sergeant-at-Arms of this House should execute a bond in conformity with the phraseology of clause 3, as it will be if my amendment should be adopted, he would be clearly liable upon that bond, not only for his own official conduct, but also for the official conduct of his deputies and employés. But it is not at all clear to my mind that the same liability would exist upon a bond such as is required by clause 3 of Rule IV as reported.

Mr. HAYES. May I ask the gentleman a question?

Mr. NEW. Certainly.

Mr. HAYES. Suppose the amendment of the gentleman should be adopted. Would it be binding upon the Sergeant-at-Arms in any court of law in the country?

Mr. NEW. I have already substantially answered that question. I believe the Sergeant-at-Arms would be liable in a court of law upon his bond. He cannot be liable upon his bond so that it would practically result in anything, unless an action would lie against him by the United States upon the bond on account of his official misconduct, or the misconduct of his deputies or employés. The bond would, of course, be executed to the United States, and if he should misappropriate or convert to his own use money in his hands belonging to the United States, he would be liable, on his bond, to the United States, although there should be no statute requiring the making of the bond. This is my opinion, without opportunity to examine the question now.

Mr. GARFIELD. I move to strike out the last five words of the clause, for the purpose of making a suggestion, which I rose to make at the time the gentleman from Indiana [Mr. NEW] obtained the floor

and offered his amendment. The sum of my suggestion is that we informally pass over this clause of the rule, let the amendments remain pending, and have printed a letter which I hold in my hand in order that members may all see it, and that the Committee on Rules may have time, as I think they ought to have, to draft an amendment which will cover the case suggested in this letter.

It is a letter which was sent to me some time ago, and but for my absence from the city I should have submitted it to the Committee on Rules as I ought to have done. I ask the indulgence of the committee while I state its substance.

Twice the Treasurer of the United States has in his official report, not only the present Treasurer, but the late Treasurer, suggested that there was an anomaly in our mode of keeping accounts of moneys in the hands of the Sergeant-at-Arms. Let me point out that anomaly.

If we should adjourn on the 1st day of June next, before we go from this city each and every member of this House will give to the Sergeant-at-Arms what in fact will be a receipt for five months' pay ahead; really and technically acknowledging that he has received that pay. In the aggregate those receipts for this entire House will amount to about $600,000. The Sergeant-at-Arms therefore will hold in his hands, when we leave here, receipts from Members and Delegates of this House to an aggregate of almost three-fourths of a million of dollars. With those receipts he goes to the Treasury of the United States and draws funds in a lump, large amounts at a time.

Mr. FRYE. Only monthly.

Mr. GARFIELD. Monthly, it is true; but he draws in a lump for all the Members and Delegates of this House for that month. He draws the full amount when not one of us has actually received a dollar.

Now, the Sergeant-at-Arms of the House is not a disbursing officer of the United States. He is only our agent, and if he should be robbed of or should make away with the money in his possession, we as members would have no recourse whatever, for the Treasurer of the United States holds our receipts. The only way in the world that we could have any recourse at all would be by getting Congress to appropriate enough money to pay us over again what we already had put into the hands of our agent, and what our agent had either lost or stolen.

The Treasurer says in this letter that this practice has led to innumerable difficulties. Sometimes when this warrant has been drawn and the money paid, it turns out that a member of the House was not entitled to all the amount of the certificate for some reason or other. He tells me in this letter that there are still sums due to the Treasury of the United States for overdrafts in the Thirty-ninth Congress, small amounts which the Treasury has never been able to collect, amounts which members of Congress have overdrawn and have never repaid. The Treasurer in this letter suggests that we might follow the rule adopted in the Senate and make one of our officers—in this case it would be the Sergeant-at-Arms—a disbursing officer of the United States, who would give his bond to the Treasury as other disbursing officers do, and thus would be made directly accountable to the accounting officers of the Treasury rather than be held responsible merely upon a bond gotten up under our own rules.

It occurs to me that in this way we may avoid all the trouble (and the difficulty is a real one) suggested by my friend from Indiana, [Mr. NEW,] and at the same time do away with this rather dangerous and loose way of doing business.

I ask that the letter to which I have referred be printed in the RECORD for the information of members; and I also ask that, with the amendment of the gentleman from Indiana pending, this portion of the rules be informally passed over with the right to return to it when the Committee on Rules shall have examined the question in the light of the facts and shall have presented, perhaps, an amendment which may cover the case in the direction I have suggested.

Mr. BLACKBURN. I wish to ask the gentleman whether the practice of which he complains is the execution of receipts in advance by members for their pay for months intervening between the close of one session and the beginning of another?

Mr. GARFIELD. That is a part of what I refer to. But a similar practice exists even while Congress is in session. I presume that two weeks ago the Speaker drew his formal warrant for our pay and that most of us signed receipts in advance for our pay for the current month. The Sergeant-at-Arms presents those receipts to the Treasury of the United States as his vouchers, and upon them draws out $416 for each receipt presented. The money thus drawn out is the money of the member. If the Segeant-at-Arms should run away with it or should lose it the real loss would be upon us, for he is only our agent; he is not a regular bonded disbursing officer of the Treasury. When an employé of the Treasury or any other Department draws his money he draws it from a regular bonded disbursing officer; and if this officer loses the money before paying it to the employé it is the loss of the Treasury or of the disbursing officer, not of the employé for whom it is drawn.

Mr. BLACKBURN. I do not mean to be understood as objecting to the suggestion made by the gentleman from Ohio, [Mr. GARFIELD,] or the amendment offered by the gentleman from Indiana, [Mr. NEW.] My information, however, is that the practice upon which the gentleman from Ohio has been commenting grows out of a provision incorporated in the legislative, executive, and judicial appropriation bill at the second session of the Forty-third Congress, upon the motion of Mr. Hale, then a member from Maine. My information is, further, that under the practical working of this arrangement the Sergeant-at-Arms takes these receipts of members for the sake of convenience simply, because during the interval between sessions of Congress the payments can not be made to members in person. But the money is not drawn upon any receipt until the end of the month to which the receipt applies. Even if so disposed, the Sergeant-at-Arms would not be able to get the money from the Treasury Department until the expiration of each month. So that I do not understand the objection to have any practical force. However, I approve of the suggestion that the letter be printed, and this matter be passed over until fuller information may be had.

Mr. GARFIELD. The gentleman, when he comes to read the letter in print, will see that it embodies a recommendation which has been twice made by the Treasurer in his annual report, for the purpose of remedying a difficulty which has actually been experienced in regard to these settlements, and which may become hereafter more serious than it has been. The Treasurer points out the fact that the Senate has so adjusted this matter that one of its officers—the Secretary, I believe—is made a regular disbursing officer of the United States.

Mr. RANDALL, (the Speaker.) It must be done by law.

Mr. GARFIELD. Possibly it is necessary that the provisions be made in the form of a law.

Mr. NEW. If it be the wish or sense of the Committee on Revision of Rules that this amendment be informally passed over, as suggested by the gentleman from Ohio, I do not object. I wish, however, before we leave the question, to make one further remark. The amendment which I have offered has not been suggested by any complaints or criticisms in reference to the Sergeant-at-Arms, his deputies, or any of his employés, for I have heard nothing of the kind.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that this portion of the rules be passed over.

Mr. NEW. I ask that my amendment be printed along with the letter mentioned by the gentleman from Ohio.

The CHAIRMAN. That will be done.

The amendment of Mr. NEW is as follows:

Amend clause 3 of Rule IV by striking out all after the word "duties," in line 4, and inserting the following:

"And trusts imposed on him, either by law or by the rules of the House. And for the default or misfeasance of any of his deputies or employés the Sergeant-at-Arms and the sureties of his bond shall be liable. No member of Congress, officer, or employé of either House shall be approved as such surety."

Mr. GARFIELD. Several gentlemen desire to hear the letter to which I have referred; and, as it is not long, I ask that it be read.

The Clerk read as follows:

TREASURY OF THE UNITED STATES,
Washington, January 9, 1880.

SIR: Referring to the report of the Select Committee on Rules, as published in the CONGRESSIONAL RECORD of the 7th instant, and especially to that paragraph relating to Rule XXVI, as amended and consolidated into paragraph 3 of the proposed Rule IV, increasing the bond of the Sergeant-at-Arms from ten to fifty thousand dollars, I desire to call your attention to a recommendation made by my predecessor in office in regard to the payment of the compensation and mileage of members of the House of Representatives. Such payments are now made upon the certificate of the Speaker (or of the Clerk of the House when there is no Speaker) that the member named is entitled to payment. These certificates, receipted by the member in whose favor they are issued, are presented to the Treasurer by the Sergeant-at-Arms, who receives payment thereof as the agent of the members, and accounting to them as their agent in such manner as they may require. It thus frequently happens that the Sergeant-at-Arms has in his possession large sums belonging to members and to their credit upon his books.

The amount of the Treasury warrant issued each month to reimburse the Treasurer for the payments of the month is charged to him upon the books of the Register, and he obtains credit to offset such charge upon filing with the auditing officer of the Department the Speaker's certificates, if they are found correct. But it has happened at various times that the auditing officer, having found errors in the computation of amounts due to members as expressed in the certificates, has not allowed credit for the full amount paid by the Treasurer, who has been put to considerable trouble to obtain repayment of the money so overpaid, and has not always succeeded in this. For instance, there are at this time held suspended against a late Treasurer, and to his debit on the books of the Register, a small amount arising from overpayment to two members of the Thirty-ninth Congress, the term of which expired in 1867. This suspension has continued to this date, notwithstanding the amounts paid were the amounts certified by the Speaker to be due, and the act of Congress expressly declares that these certificates shall be conclusive upon all the Departments and officers of the Government, the First Comptroller holding that this requirement applies only to certificates drawn in conformity to law.

The law requiring that these certificates be paid out of the public Treasury and passed as public accounts does not require that they shall be paid before being passed by the proper auditing officer; and, but for the delay and inconvenience it might occasion members, the certificates should be submitted to the auditing officer before payment. To avoid such delay and complications in the accounts, the recommendation heretofore made is hereby renewed—that one of the officers of the House of Representatives be designated as a disbursing officer, giving such bond as may be required, in the same manner as the Secretary of the Senate is now charged with the disbursement and mileage of Senators.

I believe that formerly members of the House of Representatives were paid by an officer of the House, but under what circumstances the practice was discontinued I am not informed.

Very respectfully,

JAS. GILFILLAN,
Treasurer United States.

Hon. JAMES A. GARFIELD,
Select Committee on Rules, House of Representatives,
Washington, D. C.

Mr. GARFIELD. Mr. Chairman, I presume it is entirely unnecessary to add, so far as I am concerned and so far as everybody else is concerned, this discussion does not in the slightest degree reflect on the present Sergeant-at-Arms. We are only talking about a general rule of security.

The CHAIRMAN. The gentleman asks, by unanimous consent, that the clause under consideration and pending amendments may be passed over with the privilege of returning to them hereafter.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

RULE V.

1. The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall, and be responsible to the House for the official conduct of his employés.
2. At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, report the same to the House, which shall be referred to the Committee of Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

Mr. HAWLEY. There is a slight inelegance in that rule, and I suggest an amendment which will not change the sense. At the beginning of the fourth line of the second clause insert the word "and," and after the word "which," in the same line, insert the word "report;" so it will read:

At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and report the same to the House, which report shall be referred to the Committee of Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

Mr. BLACKBURN. I cannot understand the amendment when not in writing.

Mr. HAWLEY. I have the amendment in writing.

The amendment was again read.

Mr. GARFIELD. That is all right.

The amendment was adopted.

Mr. BLACKBURN. There is a verbal correction, which I think is the result of a mistake of the printer, which ought to be made before we pass upon this clause, in order to make it agree with the description of committees throughout the report. In the fifth line of clause 2 strike out "of" and insert "on;" so it will read: "Committee on Accounts."

The amendment was agreed to.

The Clerk read as follows:

3. Fifteen minutes before the hour for the meeting of the House each day, he shall see that the floor is cleared of all persons except those privileged to remain, and allow no person to enter the room over the Hall of the House during its sittings.

Mr. HAWLEY. I beg leave to trespass again. I think the clauses in that section should be reversed. As it is now it provides that *fifteen minutes before* the hour of meeting the Doorkeeper shall see that the floor is cleared of all persons, &c., and allow no person to enter the room over the Hall of the House *during its sittings*. I move to reverse those two clauses, so the rule will read as follows:

3. He shall allow no person to enter the room over the Hall of the House during its sittings; and fifteen minutes before the hour for the meeting of the House each day, he shall see that the floor is cleared of all persons except those privileged to remain.

Mr. BLACKBURN. What is the object of the gentleman in that amendment?

Mr. HAWLEY. I thought it would commend itself to the gentleman on a moment's reflection. It is simply to make it a little more correct and, if you will have it, a little more elegant. If you are going to be absolutely correct in your construction it would seem to say: fifteen minutes before the House meets he shall see that the floor is cleared; and, then, that he shall allow no person to enter the room over the Hall of the House during its sittings. The words "fifteen minutes" qualify the whole paragraph, and it should be reversed.

Mr. BLACKBURN. As for the gentleman being an authority on elegance, I have not the slightest disposition to question, but as to the correctness of his conclusion, I must confess I think he has gone off into the hypercritic. I do not believe there is a member of the House who would have put that construction on the rule except the gentleman himself. I do not see the use of the amendment. There is nothing material in it.

Mr. STEELE. I desire to know what is meant by the phrase "over the Hall of the House." Is it up here over our heads? [Cries of "Yes!"] I did not know there was any room up there at all. [Laughter.]

Mr. GARFIELD. There came very nearly being a fatal catastrophe by some one going into that hall over the House and stepping on one of these great squares of glass, which burst down through and came nearly killing my friend from Iowa here, and the man who stepped upon it came near coming through after it himself.

Mr. STEELE. Was he eavesdropping? [Laughter.]

Mr. GARFIELD. He was one of the employés there about the gas. For that reason the rule was made; and every day now, when we are about to meet here, the key of the door to that room is brought down and delivered to the Speaker, who puts it into his little box, and it is kept there until we adjourn, so no similar accident shall occur. We make that a part of the rule for a very proper reason.

Mr. STEELE. A great many of us over here were bursting to know the meaning of "Hall over the House." I have never myself been quite so elevated, thinking this House was the highest point in this part of creation. [Laughter.]

The question recurred on Mr. HAWLEY'S amendment. The House divided; and there were—ayes 67, noes 49.

So the amendment was agreed to.

The Clerk read as follows:

RULE VI.

The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of Representatives, Delegates, and officers of the House, and be held responsible for the prompt and safe delivery of their mail.

RULE VII.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

RULE VIII.

OF THE MEMBERS.

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.
2. Pairs shall be announced by the Clerk, after the completion of the second roll-call, from a written list furnished him by members, which list shall be published as a part of the proceedings immediately following the names of those not voting.

Mr. BLACKBURN. Mr. Chairman, I am not instructed by the Committee on Rules to offer an amendment to that clause of Rule VIII, but, under a reservation of right on the part of the members of the Committee on Rules, I have an amendment to submit, and as doubtless there will be several others also offering amendments, and as it will necessarily lead to considerable debate, it now being four o'clock, I move that the committee rise.

Mr. BREWER. Before the committee rise, I have an amendment which I desire to offer and have printed, and I hope that the gentleman from Kentucky will not insist upon his motion, so that I may have an opportunity of presenting it for that purpose.

Mr. BLACKBURN. As there are eight or a dozen gentlemen who have amendments which they also desire to offer, I think it better to insist upon the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the subject of the proposed revision of the rules, and had come to no conclusion thereon.

JANUARY 28, 1880.

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Mr. ROBINSON. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Kentucky that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of further considering the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, and proceeded to the consideration of the report of the Committee on Rules, Mr. CARLISLE in the chair.

The Clerk read as follows:

RULE VIII.

1. Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. BLACKBURN. I stated on yesterday afternoon that I had an amendment which I proposed to offer in my own right, and not by the authority of the Committee on Rules. After careful comparison between that and the one that is proposed to be offered by the gentleman from Virginia I have determined not to submit my amendment, but to yield for the present to him.

Mr. TUCKER. I move the following amendment to be marked No. 2 of Rule VIII.

The CHAIRMAN. We have not yet reached the second clause of that rule.

Mr. BLACKBURN. The gentleman, as I understand it, offers this clause to come immediately after No. 1 of Rule VIII and to be No. 2.

The Clerk read as follows:

Amend Rule VIII by inserting after clause 1 the following:

2. Whenever a quorum fails to vote on any question, and objection is made for that cause, there shall be a call of the House, and the yeas and nays on the pending question shall at the same time be ordered. The Clerk shall call the roll, and each member as he answers to his name, or is brought before the House under the

proceedings of the call of the House, shall vote on the pending question. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted; and the pending question shall be decided as the majority of those voting shall appear.

Mr. TUCKER. The purpose of the amendment I propose is very obvious. It is to prevent that which we have very often seen in this House and which has occurred very often in preceding Congresses, and I offer the amendment without reference to its partisan influence in any direction, but it is to prevent the non-action of the House when a quorum is actually present.

Mr. SIMONTON. Let the amendment be again reported.

The amendment was again read.

Mr. TUCKER. A majority of the members of this House if present constitute a quorum to do business. The Constitution does not say that a majority voting shall constitute a quorum, but that a majority of the House shall constitute a quorum to do business; and the practice of the English Parliament, from which most of our rules upon this subject have been taken, is that whenever the House of Commons meets the speaker counts the members who are present and announces that a quorum is present if there is a sufficient number: so that the speaker of the House of Commons may, as the Speaker here, by ocular demonstration become satisfied that there is a quorum present. And the purpose of this amendment is not to make any member vote when he does not choose to vote, but to have a call of the House when a quorum is disclosed as not present upon a division on a pending question; and then, as each member's name is called and he answers to his name, he is noted as present. He may vote or not, as he pleases. If he does not answer to his name the Sergeant-at-Arms under the call is sent for him; if he is in the House he is brought to the bar, and by ocular demonstration is proved to be present. And thus we may have an ascertained quorum of the House though there may not be a quorum voting.

If you will look at the debates on the Federal Constitution on this subject, you will find that the only danger the framers of that Constitution apprehended was the action of less than a majority of the House when more than a majority were absent from the House; but there was no apprehension expressed in the debates and no apprehension felt that there would be any action by a majority of those voting if there were enough present to constitute a majority of the House. And so, sir, all of our rules have looked to the question of present and absent members.

If a member is not present the Sergeant-at-Arms is sent for the absent member. When brought in he is present, and though he may not choose to vote, as a number of gentlemen do not choose to vote on questions that come before the House, that does not destroy the action of the House. The amendment does not require a quorum to be present to make a decision of the House valid, but it only requires there shall be a quorum present to enable the majority to decide upon a question.

If the distinguished gentleman from New Jersey [Mr. ROBESON] be correct in the statement he made the other day that there must be a majority acting upon a question, the effect would be this: under our Constitution no measure could pass against a dissenting minority unless a majority of the whole House voted for the measure; because all that a minority has to do in the House upon any measure is to remain silent, and if they do not by voting disclose the fact that they are present the argument would be that if there is not a quorum voting on the question it is lost, or there can be no decision.

That, sir, would result in this conclusion: that unless a majority of the whole House voted for any measure to which there was a minority dissenting it could not pass the House. There are a great many of the State constitutions to which an amendment of this kind has been made that there shall be a majority of the whole House to pass a bill. But that is not the provision of the Federal Constitution. It is simply that a majority shall constitute a quorum, and then the decision of a question shall be by the majority of that majority.

I have offered this amendment, as I have said, not from any partisan stand-point, and I mean no disrespect to anybody, and I feel no gentlemen on the other side will charge me with disrespect toward them; but it seems to me not to be in accordance with the progress of the age we live in that we should sit here in a condition of non-action under the self-delusion we are not present when we are present, and that there shall be a power on the part of gentlemen here upon any question of remaining silent and saying, "You cannot prove I am here unless I choose to open my mouth."

Mr. PAGE. Let the amendment be reported again.

The CHAIRMAN. The amendment has been reported twice, but if there be no objection it will be read again.

There was no objection, and the amendment was again read.

Mr. GARFIELD. Mr. Chairman, I regret very much that this proposition is offered as a part of a body of rules that we have all with great unanimity expressed our desire to see enacted into the formal rules of the House. I should have greatly preferred that the Committee of the Whole, following the example of the Committee on Rules, would have left out controverted and certainly partisan questions from any part of this codification. It was in deference to that spirit that precisely this amendment was not pressed even to a vote in the Committee on Rules when we had the subject under consideration, although there were members of the committee who desired just such a rule as this.

I call attention to the first phase of the question, and ask my friend from Virginia, without any regard to its partisan bearing, to see into what a strange and vague condition this House would be left if this were adopted. Whenever the question arises whether there is a quorum or not present, it is to be determined according to what he calls "ocular demonstration." The chairman of the Committee of the Whole or the Speaker of the House is to see with his own eyes that there is a quorum present. Who is to control his seeing? How do we know but that he may see forty members more for his own purposes than there are here in the House? And what protection have gentlemen if the Speaker says he sees a quorum if he cannot convert that seeing into a list of names on the call of the roll by the Clerk?

I think my friend from Virginia will see that he lets in the one-man power in a far more dangerous way than ever has occurred before in any legislative assembly of which he and I have any knowledge.

Mr. TUCKER. I will ask my friend if the Speaker does not now count upon a rising vote?

Mr. GARFIELD. Yes, but we always have the opportunity to correct that count by means of a new count by tellers appointed from both sides. And even then, before anything can pass, we can have the yeas and nays taken, and the names of those voting recorded.

Aside from the insuperable objection that I have raised to this proposition, as a thing that ought not to be tried because of its vagueness, its uncertainty, and the danger that members of the House may be imposed upon by an unscrupulous Speaker that may come hereafter—I say that aside from all that, and beyond all that, I ask members to consider one fact: This has been a House of Representatives since 1789. This House has been the theater of all sorts of political storms and tempests. We have lived through the times of great wars, of a great civil war, when there were excitements hardly paralleled in the history of parliamentary annals. Yet during all these years no man before, so far as I know, no party before has ever thought it necessary to introduce a rule that gives the power of declaring the presence of members by the single voice of one person; a power that will enable him to bring from his sick-bed a dying man and put him down in this Hall, so that the Speaker shall count him, and make his presence against his will, and perhaps in his delirium, count in order to make a quorum, so that some partisan measure may be carried out over the body of that dying man.

Sir, the moment you get over the line, the moment you cross the boundary of names, the moment you leap over the iron fence of the roll, that moment you are out in the vague, and all sorts of disorders may come in.

My friend refers to the rule of the House of Commons, where it requires only forty men out of six hundred and seventy or six hundred and eighty to constitute a quorum.

Mr. TUCKER. But they have to be counted by the speaker.

Mr. GARFIELD. Forty men under the eye of the speaker of the House of Commons present no sort of analogy on which to found a rule for us in a House of less than three hundred members and where it requires one hundred and fifty to make a quorum. I hope my friend from Virginia will not press his proposition to a conclusion as a part of the body of our rules, for we shall be compelled to oppose it with all our might.

Mr. BLACKBURN and Mr. SPRINGER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky, [Mr. BLACKBURN,] a member of the Committee on Rules, as entitled to the floor.

Mr. BLACKBURN. I move to strike out the last word.

The CHAIRMAN. The Chair will state that he has no doubt there will be an opportunity for all members to be heard upon so important a proposition as the one now pending.

Mr. BLACKBURN. I should make no objection on behalf of the Committee on Rules to a continuation of the discussion upon this question, as it is one of considerable importance.

Mr. HAWLEY. Without the formality of moving to strike out the last word?

Mr. BLACKBURN. Certainly. I am surprised, Mr. Chairman, that the gentleman from Ohio, [Mr. GARFIELD,] whom I know to be well versed in parliamentary law, for I have learned that from intimate association with him as a member of the Committee on Rules, should have taken the position that the amendment proposed by the gentleman from Virginia [Mr. TUCKER] tends to violate all precedents by placing in the hands of one man a power unknown to deliberative bodies. Does not the gentleman from Ohio know that in the present existing rules of this House, as well as that psoposed revision which he, as a very efficient member of the Committee on Rules, has submitted for your adoption, supplemented and supported by parliamentary law from the older countries and also by practice both in England and America, always and everywhere the power has been recognized and vested in the Speaker or presiding officer to make an actual count of the persons present? I will read from Cushing's Digest of Parliamentary Law, accepted the world over as authority, in which it is provided—

If, therefore, it appears upon division, or if notice is taken by any member,

that a quorum is not present, it then becomes the immediate duty of the presiding officer to count the members, and if they do not amount to a quorum to suspend all further proceedings.

That is the authority laid down by Mr. Cushing. The present rule so recognizes it, and makes it the Speaker's duty. The proposed rule of the House, if amended as proposed by the gentleman from Virginia, instead of consolidating power in the hands of one man, takes it from him, and requires a call of the House to be had, and only those persons present noted that either respond to their names upon the call of the roll, or appear at the bar of the House in the custody of the Sergeant-at-Arms.

Now, I will not be unfair enough to fail or refuse to do credit and justice to the republican members of the Committee on Rules for the manner in which they comported themselves when this question was raised during the deliberations of that committee. I do not mean to cavil or clamor against the opposition which one or both of them may offer to this amendment on this floor. But I do say that this amendment offered by the gentleman from Virginia does not go as far as many of the States in the rules of their legislative bodies have gone. It does not direct that a member refusing to vote shall be recorded as voting in the negative. When a member refuses to answer to his name—a duty made imperative by existing rule which says that he shall vote unless he be excused—the amendment of my friend from Virginia simply provides that when a member shall fail to discharge this duty imposed upon him by the highest obligation he can possibly bear, an obligation made imperative by the plain language of the rule—when refusing to discharge such a duty, he shall not be reported or recorded as voting at all, but his presence shall be noted in order to prevent the absence of a quorum.

I do not mean to commit myself to the theory that there should be no power given to a minority to impede or obstruct legislation. I know that there are times and occasions upon which I would not abridge that power if I were able. Where the right to offer amendments has been denied, where reasonable opportunity for debate has been refused to the minority, it is not only their right but it is their duty to obstruct such legislation. It matters not whether I stand here with the majority or with the minority, I shall always advocate and demand that right. But I say the report submitted by this committee is not, upon any fair construction, amenable to the criticism that it is its purpose, even as supplemented by the amendment of the gentleman from Virginia, to abridge in any material respect the right that the minority should hold in this House. Take this revision, adopt it as a whole, and incorporate in it the amendment now pending, and the minority will still be amply provided with every facility to obstruct and impede legislation where debate has been refused and the right of amendment denied.

[Here the hammer fell.]

Mr. CONGER. Mr. Chairman, the introduction of this proposition cannot give ground to any particular political charge against either party. For many years gentlemen upon the other side of the House have availed themselves of the power which is sought here to be circumscribed. At times this power has been exercised almost daily. It never entered into the mind of the gentleman from Kentucky or the gentleman from Virginia that such a rule as this would be either constitutional or proper. Remarks made upon the question in this Hall from year to year will justify this assertion. I do not believe that a just construction of the Constitution would authorize the adoption of this proposition.

If I looked merely to party effect—if I looked to a time when I would like to have such a rule as this to hold down the unruly democracy, as I have in former years desired to have such a rule—I would to-day join the gentleman from Virginia (if I thought it right) in advocating and voting for this rule; I would endure it for this session and the next session; and thereafter, during the long years of republican control which are coming, I would enforce it in this House upon the malcontents on the other side.

But, sir, while the Constitution declares what shall constitute a quorum to do business in this House, this rule declares that when there shall be ascertained by one man a quorum present, a rule shall do the business of the House, a rule shall legislate, a rule shall determine the voice and wish of the Representatives of the people; so that on the passage of a bill, although there may be but fifteen voting in the affirmative and five in the negative, yet by virtue of this rule, if there be a majority present by compulsion or otherwise, the bill shall be declared passed on the vote *pro* and *con* of but twenty members. Does the great expounder of the State of Virginia claim that such a result would be arrived at by any constitutional means?

Sir, I in common with every member of this House demand that there shall be a public exhibition of presence—a public record of votes; that there shall be tellers; that there shall be yeas and nays; that the yeas and nays shall determine how you and I and every other member of this House may have voted and would vote.

The point made by my friend from Ohio [Mr. GARFIELD] is a good one—that we are committing to the Speaker of this House or the chairman of the Committee of the Whole the right first to determine who are present and to determine when there is a quorum. It is useless to say that there may not be times when in such an emergency as would require the exercise of this power the presiding officer would not be partisan. Shakespeare foretold this when in one of his plays he said:

> Get thee glass eyes;
> And, like a scurvy politician, seem
> To see the things you dost not.

Such politicians will come here on either or any side. The force of circumstances, the impetuous passions of members which would produce such an occasion, will influence men to see that which they see not, with or without "glass eyes."

I have no fear that this amendment will be adopted in this House, because it would be wrong in itself; it would be unconstitutional; it would be violently partisan. I have no fear that the fair-minded men of this House on either side will adopt so violent and partisan a measure.

[Here the hammer fell.]

Mr. SPRINGER. The gentleman from Ohio [Mr. GARFIELD] and the gentleman from Michigan [Mr. CONGER] both assume that the question of the presence of a quorum depends upon the count to be made by the Speaker. That is not the purport of the rule submitted by the gentleman from Virginia. It provides that when a quorum does not vote upon any question the yeas and nays shall be called, and if a majority do not answer upon that call of the yeas and nays, there shall be immediately a call of the House, and as each member appears, in pursuance of the order of the House for his arrest, and is brought before the bar of the House, he shall be recorded as present. He is here and answers before the whole House for his presence upon the call of his name.

Mr. TUCKER. My friend will allow me to correct him. The call of the House is contemporaneous with the call of the yeas and nays on the pending question.

Mr. SPRINGER. So I understand.

Mr. TUCKER. So that when a member's name is called, if he answer to his name, he shows by auricular demonstration that he is present. If he does not answer, he can be brought before the House by the Sergeant-at-Arms; and if he then votes his name is recorded.

Mr. SPRINGER. The gentleman from Michigan has stated that this rule is unconstitutional and partisan in its character. In my judgment, Mr. Chairman, it is neither. One of the greatest absurdities imaginable to me is this: it is within the power of a less number of members than a quorum of this House to issue a mandate and send it to the Pacific coast, to the far-off State of Oregon, to bring in a member to this body, and when we have got him here at an expense of weeks of time and thousands of dollars, the man is not here at last unless he voluntarily opens his mouth and says "I am here"—and votes "ay" or "no" on the pending question. I say there can be no greater absurdity than to presume our fathers made a constitution and gave that power to a less number than a quorum, and after we have exhausted it the man was not here at last unless he chose to be. He did not choose to be here or we would not have sent for him, and when he is brought here he is not here unless he chooses to be. What an absurdity!

Now, what does the Constitution say? Section 5, article 1, says:

> Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

A majority shall constitute a quorum to do business. That majority do not vote, but they must be here. If the majority is here the quorum is here, and if by the rules of the House we have determined that fact, then we are a majority ready for business. How do we determine that fact? Each House may determine the rules of its proceedings. Therefore, if we have determined by the rules of our proceedings that a quorum is to be ascertained in this way, then a quorum is here, the majority is here and ready for business.

Therefore you will find from this provision of the Constitution, Mr. Chairman, that a smaller number may adjourn from day to day, and it is authorized to compel the attendance of absent members. If we may compel the attendance of absent members what virtue is there in this provision of the Constitution at all; what use is it to us unless it is, as my friend from North Carolina says, to compel them to be here to constitute a quorum? What is this constitutional provision for? What is it worth in the Constitution if, after having been exercised, it amounts to nothing at last and the man is not here? I wish to say by our legislative system, from its analogy to the British system, our fathers understood that when this power was exercised the man was here, and all we have to do is to recognize that fact.

If you will turn to Mr. Cushing's Law and Practice of Legislative Assemblies you will find this provision laid down in reference to the House of Commons:

> When, upon a division, it appears a quorum is not present, the question upon which such division occurs ordinarily remains undecided; but where the aggregate of votes on either side, with the tellers and with the Speaker, makes up a quorum, the question is decided.

By the British constitution and by the rules of the House of Commons, when there does not appear to be a quorum on the vote, but when the tellers are taken into consideration who do not vote, and when the speaker is taken into consideration, whose presence is known, there then is a quorum, the question is decided. That is the law of the House of Commons.

[Here the hammer fell.]

Mr. STEPHENS. Mr. Chairman, I wish to say a few words on the pending question. So far as this debate has gone, it has been free, I believe, from all partisan character. The Committee on Rules set out with a view to have harmony of action. We need reform in the rules. Our first resolution in that committee was to recommend nothing which did not have the unanimous sanction of every member of the committee, with the right reserved to each member to object in the House, if he should choose to do so.

Now, the pending question is an old one. It is to compel members present to vote. The gentleman who has just taken his seat, the gentleman from Illinois, [Mr. SPRINGER,] asks what is the Constitution worth unless the amendment proposed by the gentleman from Virginia [Mr. TUCKER] is adopted? The rule as reported by the committee is as it was made by the founders of our Government. The Constitution has been in existence for over three-quarters of a century and the Government carried on all the time under this rule as reported and without the proposed amendment. Am I now to answer him by telling him what the Constitution without the proposed amendment is worth? Why, sir, what has been done without it! What grand achievements have been accomplished without it—accomplished under the rule as reported by the committee! What grander achievements may not yet be accomplished under it without the proposed amendment!

Whatever has been done has all been done under this rule as it stands and as our committee recommend it shall remain. That rule has been the rule of this House I think since the First Congress. There have been divers attempts to amend it to make members vote whether they will or not. You have the right to bring them into the House, but no House has ever yet adopted any measure to punish a member for not voting. One distinguished Speaker of the House once said: "You may bring a horse to water, but you cannot make him drink."

I think we had better leave the rule just as it is. All parties since the beginning of the Government have occasionally, when in a minority, absented themselves to break up a quorum and thus prevent the passage of an obnoxious measure. They do it in our Legislatures. It has been done in the Legislature of my State, and, I suppose, in the Legislature of almost every other State. They have done it from time immemorial, and I suppose they will continue to do it.

I think we had better leave it just as we find it. I know of no way unless we attempt to punish a member for absenting himself or not voting when present. Suppose we bring an absent member into the House, as we have a right to do. But when he is brought in and he refuses to vote, what then? The gentleman from Illinois has just now stated that they could be counted to make a quorum. But what of that? A quorum—a majority of the House—must not only be present, but must join in the business of the House either for or against a measure, to make the action valid. If they are in, and do not vote upon the passage of the bill or measure in the House, they do not make a quorum in the transaction of business. You cannot pass the bill or measure unless a quorum votes! You cannot count those voting for the bill, and say of all others, constructively, that they voted against it, and thus pronounce the measure carried! Your Journals must show the votes—the yeas and nays of a quorum for and against the measure. But under this amendment there could be no such record. You could count the votes of those present and not answering to their names only by construction. This could not rightfully be done. You must have the votes before you can rightfully count them.

I state to the House, after mature reflection and after studying this question carefully for many years, that in my opinion you cannot improve upon the language adopted by the founders of the Republic as set forth in the rule reported by the committee. They made the rule as it now stands. You cannot secure votes by compulsion, and you cannot create them by construction.

The rule says any member shall vote except he be interested or excused. If any member or number of members refuse to vote you cannot provide a rule that will meet the difficulty.

A member not voting in his seat or going out, so long as he is not disorderly, so long as he commits no improper act, is responsible only to his constituents. If they send a member here who will not vote when in his seat, or will leave the House on roll-call, it is a matter that concerns him and them, and not this House. I say in conclusion I think we had better let the rule stand as it is.

Mr. HUNTON. I desire to offer an amendment to the amendment of my colleague from Virginia, [Mr. TUCKER,] in the shape of a proviso.

I understand, Mr. Chairman, that two things must occur in order to reach legislation in this House. The first of these two things is the presence of a quorum to do business. That is provided in the amendment of my friend from Virginia; and when it is ascertained that a quorum of this House is present for business, then, I think, another step is necessary in order to reach legislation, that a majority of that present quorum should concur in legislation.

The machinery in the amendment of my friend [Mr. TUCKER] provides for the first, that there shall be present in this House a quorum for the transaction of business, but it strikes me that under the amendment proposed by him there might be a quorum present ready to proceed to business, and yet, if a portion of that quorum present did not choose to vote, a minority of the quorum present might enact legislation, which I think would be objectionable. For instance, if there were two hundred and ten members present, one hundred voting in the majority, and forty in the minority, and seventy present but not voting, then, under the amendment offered by my friend, the one hundred would enact a law when it was not a majority of the two hundred and ten present in the Hall. I do not think it is in the spirit of our institutions that a minority of those present in the Hall should at any time enact a law for the Government of the United States.

Take another statement. Suppose that there were two hundred and ten members in the Hall, and one hundred and ten voted with the majority, fifty in the minority, and fifty present and not voting. Then, of the two hundred and ten in the House, constituting the quorum and present for business, one hundred and ten voting in the majority is a full majority of all present in the House, so when you count those present and not voting with the minority, still the bill is enacted or passed by a majority of those present in the Hall. In order to meet what I conceive to be these objections, I propose the following as a proviso to the amendment:

Provided, That those voting in the majority shall constitute a majority of those actually present in the House.

Mr. HAWLEY. Mr. Chairman, I understood one of the gentlemen in favor of the pending motion to intimate, if not assert, that in the British House of Commons the speaker may declare upon view, and without count, or without any count but his own, that a quorum is present. I am sure I do not understand it so. My opinion is that he is obliged to have a formal count of the House if it is desired.

I send up to the Clerk's desk, to be read, a short paragraph from May on Parliament, which is of course a standard authority upon this subject.

The Clerk read as follows:

After the House has been made, if notice be taken by a member that forty members are not present, the Speaker immediately tells the House; and when it is before four o'clock business is suspended until the proper number come into their places; but if after four o'clock the Speaker at once adjourns the House until the following day. When it appears on the report of a division after four o'clock that forty members are not present the House is adjourned immediately, but when the House is in committee and forty members are discovered to be wanting, either upon a division or upon notice being taken of the fact, the chairman reports the circumstance, when the Speaker again tells the House, and, if forty members be not then present, adjourns the House forthwith. In the mean time, while the House is being counted, the doors continue open, and members can enter during the whole time occupied by the counting.

Mr. TUCKER. Will my friend from Connecticut allow me to ask him from what page of May the Clerk has read?

The CLERK. From page 192.

Mr. TUCKER. From what edition?

The CLERK. This is the "second edition, revised and enlarged," published in 1851.

Mr. HAWLEY. I understand, Mr. Chairman, what has just been read to mean that there is a regular count and that it is not a mere hasty glance of the speaker; that it is not left merely to his discretion to declare a quorum present. He has to make a formal count and state to the House its result. I am sure the House of Commons would not submit to a decision upon a mere glance of the speaker that there is a quorum present, so that a bill should pass by the action of less than forty members.

Mr. STEPHENS, of Georgia. Will the gentleman from Connecticut permit me to interrupt him?

Mr. HAWLEY. Certainly.

Mr. STEPHENS, of Georgia. I would remind the gentleman that in the British Parliament they do not vote by yeas and nays on a call of the roll.

Mr. HAWLEY. I understand that.

Mr. STEPHENS, of Georgia. And that makes a great difference as regards this question. The vote is taken by tellers or counters and a call of the roll is not required.

Mr. HAWLEY. They have the roll called when there is a call of the House; somewhat as we do; but in the case of ordinary divisions they go out, the ayes at one door and the nays at another, and they are counted as they come in again.

Now, the evil, if there be one, in the existing system, that of which gentlemen complain, is simply this, that we of the minority claim a right, by sitting silent, to prevent less than a majority of the members elected from passing a bill. The worst that can be done by a factious minority, if that be the term applied to it, is to fight until the actual majority of the members elected shall pass the bill. When they are present that friendly majority constitute a quorum of themselves; they do not require the assistance of the minority; they run the House themselves and pass their bills. In case of what you call factious resistance we drive them only to that.

The modern State constitutions are all tending in that direction. I have not looked at them with this in view, but I know from a casual inquiry of gentlemen near me that the new constitutions of California, Minnesota, and Pennsylvania require that a bill shall not be regarded as passed unless an actual majority of the members elected shall vote for it.

Mr. ROBESON. New Jersey also.

Mr. HAWLEY. Now, we are causing no hardship whatever in taking the ground we do against this new rule, and I think we do no serious

wrong to the country at any time when we sit in our seats and decline to vote. If the majority desires to have a bill passed in opposition to our wishes, then let the majority come here and pass it over our heads. At any rate, I decline to be answerable to anybody but my constituents, if I sit in my seat and decline to vote. I hold myself responsible to them and to the Constitution alone. I take my position with that horse which is brought to the water, but cannot be made to drink, and I am afraid, if the proposed rule should be adopted, I should say that no Speaker and no House should compel me to answer yes or no on a roll-call.

I think it very decidedly wrong, in the first place, that a Speaker should be at liberty to recognize or declare a quorum without a formal count, and, in the next place, that by any sort of combination of rules there should be a law put on the statute-book and declared in force which can show perhaps only a quarter or 10 per cent. of the members in favor of it.

Mr. PHISTER rose.

Mr. TUCKER. I desire to say just one word, if it will not come out of the time of the gentleman from Kentucky, [Mr. PHISTER.]

The CHAIRMAN. It would come out of that gentleman's time.

Mr. PHISTER. I have not had the opportunity to examine and critically analyze the language of the amendment offered by the honorable gentleman from Virginia; but if I understand its purpose, it is to recognize and enforce that provision of the Constitution which is found in section 5, article 1, as follows:

> Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business—

That is a quorum with the capacity to do business—

> but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members.

Now, is it not an absurdity to speak of compelling the attendance of a member as though absent, when he is actually present? How can you assert or presume that a member is absent when he is in attendance and known to be so? If he is in attendance, he is in attendance for the purpose of constituting a quorum having the capacity to do business. The question is, therefore, what shall be the evidence of the member's being in attendance? It is alleged that there can be only one evidence of that; and that is that he shall respond to his name in a vote by yeas and nays upon the pending proposition. The practice under the old rules has been to recognize that a member is present participating in the proceedings of the House for the purpose of objection, for the purpose of frustrating business, and yet he is not present to help to constitute a quorum to do business. Now, is not that an absurdity? Is it not a contradiction in terms and in fact?

Cannot his presence be ascertained by a call of the House, as is proposed by the amendment of the honorable member from Virginia? Can it not be ascertained by the sight, by the Speaker being constituted a committee for that purpose, or by other committee on quorum being appointed by the House to ascertain whether a quorum is present or not? It is purely a question of evidence. Even if it was to be determined alone by the sight of the Speaker as sole committee, or by the sight of any other committee on quorum to be appointed under the rule, is not the sight a more reliable sense than that of hearing?

Mr. STEPHENS. Will the gentleman allow me a moment?

Mr. PHISTER. I prefer not; this is my first appearance this session on the floor, and I have but little time. I say is not the sight a more reliable sense than the sense of hearing? The Clerk calls the roll of members with a view of ascertaining their votes by yea and nay. One member may vote in the stead of another; an outsider may vote for a member; the response of a member may be misunderstood. Mistakes may be made in a variety of ways under the present rule or practice. Therefore, we are far more liable to have a misunderstanding of the vote of a member, or in ascertaining when a member is present if we rely upon the hearing than if we rely upon sight. If we see a man we know he is here. If a committee should see him, if the Speaker as a committee of one should see him, then we would know that he is present.

The object of the amendment of the gentleman from Virginia is to prevent, respectfully speaking, the absurdity of saying that a man is not in attendance when he is in attendance; and, if possible, the still greater absurdity of enforcing the attendance of an alleged or supposed absent member when he is present and making him absent so far as the progress of business is concerned when he is present participating in the proceedings by objecting to the business.

Therefore, while I do not commit myself to the phraseology of the amendment of the gentleman from Virginia, (for if there is any doubt about its construction I hope it will be made accurate,) I must say that I consider the purpose of the amendment a commendable one.

[Here the hammer fell.]

Mr. REED. Mr. Chairman, if it was my purpose to reply to the gentleman who has just taken his seat, [Mr. PHISTER,] it seems to me that it would be a suitable and proper reply to say to him that the constitutional idea of a quorum is not the presence of a majority of the members of the House, but a majority of the members present and participating in the business of the House. It is not the visible presence of members, but their judgments and their votes, that the Constitution calls for.

I prefer, however, in the short time which I have, to discuss this question upon a different basis. This privilege, which the minority of this House at the last session availed itself of, is a privilege which every minority has availed itself of since the foundation of this Government. By pure accident, in looking over an index of the RECORD this morning, I found the account of a resolution, which was drawn up by a distinguished member of this House from Massachusetts, (Mr. Butler,) to cause the arrest of a distinguished member from Pennsylvania [Mr. RANDALL] for not voting. I believe, however, nothing ever came of that resolution.

Now, what is the practical upshot of the present practice? It is that the members of the minority of this House upon great occasions demand that every bill which is passed shall receive the absolute vote of a majority of the members elected. They do this in the face and eyes of the country. If they demand upon any frivolous occasion that there shall be such an extraordinary vote as that, they do it subject to the censure of the people of this land. This practice has hitherto kept this House in proper condition upon this subject, so that there has been no improper impeding of the public business.

It is a valuable privilege for the country that the minority shall have the right by this extraordinary mode of proceeding to call the attention of the country to measures which a party in a moment of madness and of party feeling is endeavoring to enforce upon the citizens of this land. And it works equally well with regard to all parties, for all parties have their times when they need to be checked, so that they may receive the opinions of the people who are their constituents and who are interested in the results of their legislation.

I say that as a practical matter the results hitherto throughout all our history have justified the construction which those upon this side of the House have put upon this matter, and which has been put equally by members of the other side in times past. I must say that I am glad to see that this question is being discussed not by divisions of party, but that gentlemen are taking views upon it with reference to its whole bearing, past and future as well as present.

Mr. MCLANE. This is the first time in the history of this House that gentlemen on either side have ever attempted to justify the proceeding which so constantly takes place here, when members of the one side or the other of the House undertake to defeat legislation by sitting in their seats and refusing to constitute a quorum by voting. It is precisely such a proceeding as I should have expected the honorable gentleman from Ohio [Mr. GARFIELD] to have denounced as revolutionary, for it is absolutely a revolutionary proceeding.

Mr. GARFIELD. One that would evidently disturb "the peace of the United States?"

Mr. MCLANE. It is the only way in which the "peace of the United States" could be disturbed. I for one, however, am not very keen to adopt the amendment of the gentleman from Virginia, [Mr. TUCKER,] because frequent occasions do occur when I would much rather resort to a revolutionary proceeding than submit to the arbitrary and tyrannical conduct of a majority. [Applause on the Republican side.] But although I am not keen to adopt the amendment of the honorable gentleman from Virginia, I cannot allow myself to pretend for a moment that it is a legal or proper proceeding to defeat legislation in that manner.

The gentleman from Kentucky has very well made the point that if a majority are present to do business, though they may not vote, the business can be done; and under this very clause of the Constitution which gives us the right to adopt rules we provide that a member may be excused from voting. Ten, twenty, fifty members may be excused from voting; and yet though they do not vote they count to make a quorum. I presume nobody will gainsay that.

Now, suppose fifty members, though not excused, refuse to vote. In the language of the gentleman from Georgia, though taken to the water they will not drink. But they are here nevertheless, just as perfectly as the fifty excused; and they count to make a quorum precisely as if they had voted, if we choose so to declare by rule.

The amendment of the gentleman from Virginia is not only perfectly constitutional, but it is substantially what the existing rule provides in regard to members excused from voting, though it is extended to members who are not excused. The rule in the revision and in the existing code provides for excusing members; and the gentleman from Virginia proposes now to extend that provision to members who are not excused.

Mr. STEPHENS. Allow me to call the gentleman's attention to this fact: that the object of this amendment is to give a constructive vote to those who actually do not vote.

Mr. MCLANE. I do not so understand it.

Mr. STEPHENS. If not, what would it do? It requires a majority of a quorum on the record—that is, on the Journal—to constitute a vote of the House. If the object of this proposition is not to establish a system of constructive voting as to those who are absent or not voting, what do you gain?

Mr. MCLANE. The amendment not only does not provide for constructive voting, but it states distinctly that the member refusing to vote shall remain recorded not voting precisely as if he had been ex-

cused from voting, but that his presence shall be noted and he shall be counted to make a quorum. The analogy I present is that if the House had excused him he would still not have voted, but would have been counted to make a quorum.

Mr. STEPHENS. But when you take the yeas and nays upon the passage of a bill, it is never passed unless a majority of the House, a quorum, vote upon its passage. If there be not a majority of those thus voting, after leaving out the excused, the measure cannot be carried. If this amendment means anything practical, it must be to provide for a constructive vote.

Mr. McLANE. Less than a majority can pass a bill, if those present make with those excused from voting a majority of the House.

Mr. STEPHENS. Most assuredly not, I think. It requires a majority of those joining in the business to transact the business of the House. Those excused do not join in the transaction of the business from which they have been excused.

Mr. MILLS obtained the floor.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole having had under consideration the revision of the rules had come to no resolution thereon.

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JANUARY 29, 1880.

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Mr. BLACKBURN. I now insist on my motion that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of further considering the report of the Committee on Rules.

Mr. CONGER. Pending that motion, I desire to offer a suggestion. I ask unanimous consent that two hours, if necessary, be allowed for general debate on the pending proposition, the amendment of the gentleman from Virginia, [Mr. TUCKER.]

Mr. SPRINGER. I object. My reason for objecting is that I am informed that the gentleman from Virginia [Mr. TUCKER] will withdraw the proposed rule.

Mr. CONGER. If the amendment of the gentleman from Virginia be withdrawn, of course I do not desire debate.

The motion of Mr. BLACKBURN was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, and resumed the consideration of the report of the Committee on Rules, Mr. CARLISLE in the chair.

The rule under consideration was the following:

RULE VIII.

1. Every member shall be present within the Hall of the House during its sittings unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

An amendment was pending, offered by Mr. TUCKER, as follows:

Amend Rule VIII by inserting after clause 1 the following:

2. Whenever a quorum fails to vote on any question, and objection is made for that cause, there shall be a call of the House, and the yeas and nays on the pending question shall at the same time be ordered. The Clerk shall call the roll, and each member as he answers to his name, or is brought before the House under the proceedings of the call of the House, shall vote on the pending question. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted; and the pending question shall be decided as the majority of those voting shall appear.

Which Mr. HUNTON had moved to amend by adding the following proviso:

Provided, That those voting in the majority shall constitute a majority of those actually present in the House.

Mr. BLACKBURN. The debate that has occurred upon the amendment proposed by the gentleman from Virginia [Mr. TUCKER] has sufficed to satisfy the Committee on Rules that its further consideration will involve at least the consumption of one or more days, and result probably in the defeat of the amendment. And if it should result otherwise and that amendment should be adopted, the Committee on Rules are of the opinion that it may in no small measure affect the final vote on the adoption of the series or system of rules which have been submitted for the consideration of the House. In view of these facts I ask the gentleman from Virginia to withdraw his amendment and thereby enable us to proceed with the adoption or rejection of the report as a whole, and not delay the action of the House further. I desire to add that I make this request not because the Committee on Rules object to the admission of any amendment that may be offered by any member of the House, but simply because we take a practical view of what may be the probable result of the amendment.

Mr. TUCKER. I offered on yesterday my amendment to the report of the Committee on Rules, believing as I did not only that the provision which I had offered was in accordance with the Constitution, but that it was demanded by the Constitution; and I believe that it is in accordance with right policy that that rule should be adopted by this House. At the same time I am not so wedded to the adoption of a new rule which is contrary to the practice of this House for so many years, and in respect of which I find so many gentlemen on my own side of the House, as well as the solid phalanx on the other side of the House, in opposition to it, as to press it to a vote when it may delay the action of the House upon the whole report of the committee. I therefore, under these circumstances and on the suggestion and at the request of my friend from Kentucky who makes this report from the Committee on Rules, withdraw the amendment from the consideration of the committee.

The CHAIRMAN. The gentleman from Virginia asks leave to withdraw his amendment. Is there objection?

Mr. OSCAR TURNER. I believe the amendment is a good one. It has been thoroughly discussed, and I object to its being withdrawn.

Mr. BLACKBURN. I submit to the Chair that the gentleman from Virginia has the right to withdraw his amendment under the existing rules of the House before an amendment is made to it or vote had upon it.

The CHAIRMAN. The Chair was under the impression when he asked if there was objection to the withdrawal of the amendment, that inasmuch as an amendment had been proposed to the amendment of the gentleman from Virginia, it could not be withdrawn without the consent of the committee. The Clerk will read Rule 40, which permits the withdrawal of a proposition notwithstanding the proposal of an amendment.

The Clerk read the rule, as follows:

40. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn at any time before a decision or amendment.

The CHAIRMAN. There is another rule which applies to the formal amendments offered in Committee of the Whole, and which prevents them being withdrawn except by unanimous consent of the committee. But the Chair is of opinion that under Rule 40, inasmuch as there has been no decision upon the amendment of the gentleman from Virginia and no amendment to it adopted by the committee, the gentleman has the right to withdraw it. The amendment is therefore withdrawn.

Mr. CONGER. There is no understanding, I believe, as suggested on a former day that we may go back to this rule again for amendments?

Mr. BLACKBURN. No, sir.

Mr. CONGER. I understood there was some reservation as to the right to go back to amend and I did not know but it embraced this proposition.

The CHAIRMAN. The rule to which that reservation related was that in reference to the execution of a bond by the Sergeant-at-Arms, Rule IV.

Mr. CONGER. And it does not apply to this?

The CHAIRMAN. It does not apply to this.

Mr. WILLIAMS, of Wisconsin. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend Rule VIII by inserting after the word "prevented," in the second line of clause 1, the following:

And after the hour of half-past one o'clock p. m. members shall not be called from the Chamber by card or otherwise except when upon special application to the Doorkeeper he may deem it important that they be notified.

So that it will read:

RULE VIII.

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and after the hour of half-past one o'clock p. m. members shall not be called from the Chamber by card or otherwise except when upon special application to the Doorkeeper he may deem it important that they be notified. Every member shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. WILLIAMS, of Wisconsin. I do not desire to detain the committee with any further remarks in regard to this amendment, for I submitted the other day such remarks as I had to offer. It is simply intended to prevent members being called from the Hall, except upon important matters, during the business sessions of the House after the hour of half-past one.

Without giving offense to friends I, for one, desire that when we enter upon the business sessions of this House I may be permitted to remain here in order to hear the explanations of bills which may be reported, and the remarks of gentlemen who may desire to advocate or oppose pending measures, or any other business which is being transacted by the House. I am not tenacious about this matter. I would like to see the amendment adopted; but if it be the judgment of this House that it better not be, I suppose I can stand this fusillade of the cards of callers as well as others can.

Mr. STEELE. Is this proposed amendment open to amendment?

The CHAIRMAN. It is.

Mr. STEELE. Then I move to amend at the proper place (I do not

know exactly where that is) by inserting the words "and that every member shall vote right when he does vote." [Laughter.]

It occurs to me that the proposition of the gentleman from Wisconsin [Mr. WILLIAMS] contemplates the making every doorkeeper of this House a judge as to whether or not any member in the Hall shall be sent for to come out. Now, I have very great respect for these doorkeepers, but I think members of Congress have quite as much sense on that point as they have.

Mr. WILLIAMS, of Wisconsin. If the gentleman will allow me——

Mr. STEELE. Certainly I will.

Mr. WILLIAMS, of Wisconsin. I am willing to accept his amendment, if he shall insist upon it, although I am not sure that it will not destroy the democratic party. [Laughter.]

Mr. STEELE. Is that so? The gentleman from Wisconsin is one of those who cannot think upon any subject without lugging in politics. God help such men! [Renewed laughter.]

Mr. WILLIAMS, of Wisconsin. I will join you in that prayer.

The question was taken by a *viva voce* vote on the amendment of Mr. WILLIAMS, of Wisconsin; but before the result was announced,

Mr. O'NEILL said: I desire to ask the gentleman from Wisconsin [Mr. WILLIAMS] if he will not accept an amendment to come in at the proper place.

The CHAIRMAN. The committee is dividing upon the amendment of the gentleman from Wisconsin.

Mr. O'NEILL. I move to amend his amendment by inserting at the proper place the words "and that members of the House be permitted to invite callers into the lobby in rear of the Speaker's chair." I must say that we are very inconveniently situated relative to seeing those who may call upon us at the doors of this Hall. There is no place where we can take a gentleman in order to be able to converse with him, so far as I have found in my experience. I do think, however, that gentlemen here sometimes introduce into the lobbies of the House those who are excluded under the strict rules of the House. But I do not object to that. If a gentleman can get his friends in where he can have an opportunity to converse with them let him do it, and I will not complain of any member or of any officer of the House for permitting it.

It strikes me, however, that it is a matter of very great inconvenience to members of this House that there is no place here where we can invite a gentleman who comes to see us, who may be hurried to get away from the city, and with whom we cannot converse unless we ask him to remain over and see us at our rooms. I make the suggestion in good faith. I doubt very much whether there is a member of this House who has not seen and experienced this great inconvenience.

Now, I want to say this: people are welcome to send their cards in to me at any time of the day, whether the proposed amendment shall prevail or not. I do not want to keep away from my constituents when they come to this Capitol for the purpose of seeing me. It is no burden to me to see any one of them at any time when I am not immediately engaged in the performance of my duties in the House. If I can I will try to see any one who may call on me, and I do not want to put it in the power of any officer of this House to prevent those who call on me from sending their cards in to me. That, certainly, is a very poor privilege of the American citizen.

I hope the proposition of the gentleman from Wisconsin will be voted down, and I would like him to yield to me to offer an amendment that we may have at least the privilege of asking those who may call to see us to come into the lobby in rear of the Speaker's chair.

The CHAIRMAN. The gentleman will reduce his amendment to writing.

Mr. O'NEILL. I will do so in a moment.

Mr. WILLIAMS, of Wisconsin. I do not think I can accept the amendment of my friend from Pennsylvania [Mr. O'NEILL] after the remarks he has made. I for one am quite as willing as any other member can be to see any American citizen——

Mr. BURROWS. Without regard to race or color? [Laughter.]

Mr. WILLIAMS, of Wisconsin. But I would like to have about two hours and a half here to attend undisturbed to the transaction of public business.

Mr. O'NEILL. I have reduced my amendment to writing, and I now offer it from a sense of what I consider to be a matter of great convenience to members of this House, and for no other reason. The lobby in rear of the Speaker's chair is never filled with people. It is very rarely that a half a dozen people are there. Occasionally I see a member taking his ease there and resting in one of the chairs; that is all very right. But I think it hard when persons come here to see their Representatives upon important business that there is no place where those Representatives can take such persons. Now, there is no place so convenient as the lobby in the rear of the Speaker's chair. I propose to add to the amendment of the gentleman from Wisconsin these words:

And that members of the House be permitted to invite callers into the lobby in rear of the Speaker's chair.

The question was taken upon the amendment of Mr. O'NEILL, and it was not agreed to.

The question was then taken upon the amendment of Mr. WILLIAMS, of Wisconsin, and it was not agreed to.

The Clerk read as follows:

2. Pairs shall be announced by the Clerk, after the completion of the second roll-call, from a written list furnished h m by members, which list shall be published as a part of the proceedings im mediately following the names of those not voting.

Mr. BLACKBURN. The Com mittee on Rules have directed me to offer the following amendment:

In line 3 of the pending clau se insert, after the word "published," the words "in the RECORD."

The amendment was agreed to.

Mr. CONGER. Does this amendment preclude the entry of the pairs in the Journal?

Mr. BLACKBURN. That was, I will say, the object of the amendment.

Mr. CONGER. I do not understand whether this is to be a part of the journal entry, or is to be merely published in the RECORD.

Mr. BLACKBURN. I see the point the gentleman makes. I will state that this is the first time pairs have ever been recognized by rule at all. Their announcement has hitherto been tolerated, but no recognition has been given to them by the rules. For the sake of economy of time this clause of Rule VIII was devised, requiring that written memoranda of all pairs be furnished by members to the Clerk, to be read at the time the vote is announced, and to be published in the RECORD. But we do not think it necessary (and I doubt whether the gentleman from Michigan will upon reflection think it necessary) to encumber the Journal with the statement of pairs. The RECORD will contain that statement in full. As the gentleman knows, the Journal is only a limited record of the proceedings of Congress. In the CONGRESSIONAL RECORD we find the official proceedings stated in detail. This rule, with the amendment just submitted, will require that such pairs as may be announced by the Clerk in accordance with written memoranda furnished to him shall be published in the RECORD; but it does not provide that they be published in the Journal.

Mr. CONGER. If this proposed rule recognizes pairs for the first time, and if they are to be published in the RECORD, it seems to me they should be published in the Journal also, as there might possibly be mistakes in regard to these pairs and legislation might be affected by such mistakes. I submit that the Journal should have a full record of votes, and whatever is recognized by rule as properly connected with voting. Either pairs should not be recognized at all, or they should go into the Journal.

The CHAIRMAN. The Chair will remind the gentleman from Michigan that the amendment of the gentleman from Kentucky has been voted upon, and there is now no question before the Committee of the Whole.

Mr. BLACKBURN. I desire that the gentleman from Michigan and the Committee of the Whole shall understand the purpose of the amendment. We desire to secure perfect accuracy; and the CONGRESSIONAL RECORD the next morning after any vote may have been taken will enable each member to see whether the pairs have been announced correctly. This provision simply formulates in the shape of a rule a practice that has prevailed for many years. A quarter of a century ago members used to send to the Clerk written memoranda of pairs that had been formed on any question coming before the House.

The Journal is but an abbreviated synopsis of the proceedings of the House. The RECORD is the extended official statement of its work. This amendment proposes that in the RECORD there shall be published, immediately after the names of those not voting, a list of pairs which may be reduced to writing by members, furnished to the Clerk and read from the desk.

Mr. CONGER. Let this clause be passed over with the understanding that the right is reserved to amend it hereafter by inserting the words "in the Journal and."

The CHAIRMAN. The Chair suggests that an amendment would be in order after the amendment which the gentleman from Minnesota [Mr. DUNNELL] has been seeking the floor to offer.

Mr. CONGER. Let the reservation be made, so that if hereafter it be thought proper to offer such an amendment it may be done.

Mr. BLACKBURN. Let me suggest to the gentleman from Michigan that when leave of absence is granted no reason for such leave is ever stated on the Journal. I simply propose to protect the Journal from that cumbersome work which would be imposed if every pair announced to the House must be carried to the Journal. The CONGRESSIONAL RECORD, it seems to me, submitted as it is to the inspection of every member of the House upon the succeeding morning, affords ample protection against any mistakes or misstatements which may possibly occur.

Mr. CONGER. I do not know that such an amendment as I have indicated would be desirable. I only ask that the right be allowed to go back and insert it if hereafter it be deemed necessary.

Mr. BLACKBURN. I will state further to the gentleman from Michigan that these pairs as announced will be kept in a book reserved for that purpose, in which the entries will be just as regular as in the Journal of the House. Thus there will be a test of the accuracy of the statement in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks that the

right to return to this clause may be reserved for the purpose of moving an amendment providing that pairs shall be recorded in the Journal as well as in the RECORD. Is there any objection?

Mr. BLACKBURN. I do not understand that there is to be reserved the right to return to this provision of the rule.

The CHAIRMAN. The Chair has just announced that the gentleman from Michigan asks the reservation of this right.

Mr. SIMONTON. I object.

Mr. BLACKBURN. I do not mean to object; but I would rather have these rules settled as we go along.

Mr. CONGER. All I desire is that there may be opportunity to go back and insert this amendment if it be necessary. I am not at all certain that we shall desire it.

Mr. BLACKBURN. Such an amendment can be offered in the House. I simply desire to protect the Committee on Rules from the establishment of a precedent which may be troublesome hereafter.

Mr. CONGER. It is better to have leave of the House to do it.

Mr. BLACKBURN. The gentleman from Michigan has that right in the House.

Mr. CONGER. Not if the previous question is demanded.

Mr. BLACKBURN. He has unless the previous question cuts him off. If the gentleman wishes to offer an amendment, I would rather have it now.

Mr. CONGER. It is not important enough to dwell upon at length. I think it may be desirable hereafter to offer it, and therefore I desire to reserve that right.

Mr. SIMONTON. What is the request?

The CHAIRMAN. The gentleman from Michigan asks the right to return to this clause of Rule VIII, for the purpose of moving an amendment, if we propose that the announcement of pairs shall be published as well in the Journal as in the RECORD.

Mr. SIMONTON. I object.

Mr. ROBINSON. I wish to ask the gentleman from Kentucky a question in reference to this rule.

The SPEAKER. The Chair will state to the gentleman from Massachusetts that the amendment which has provoked discussion between the gentleman from Kentucky and the gentleman from Michigan has been adopted and is no longer open to discussion.

Mr. ROBINSON. My question does not refer to that amendment, but is to the rule as it now stands, and it is whether the gentleman from Kentucky understands these lists which are to be furnished by the members shall be verified by the signature of the member furnishing it, or whether a piece of paper which says A is paired with B may be taken to the Clerk's desk and there left and that shall be considered a sufficient guarantee for publication in the RECORD.

Mr. BLACKBURN. The name of the member announcing pairs, of course, will be attached to the memoranda which he furnishes to the Clerk and that is all that the proposed rule intends to require.

Mr. ROBINSON. The point in debating this clause of the rule, so far as I understand it, is to save time and that we may be rid of this promiscuous announcement all over the House.

Mr. BLACKBURN. Yes, sir, a double announcement.

Mr. ROBINSON. If that is the object not much time is saved, and I submit to the Committee of the Whole that it seems to me that it is of great consequence that we should have the personal indorsement and guarantee of the member who stands in his seat and says that his colleague, Mr. A, is paired with the gentleman from Mississippi, and so on. We have that now, and the member announcing the pair also states how the members would vote on the question before the House if they were present.

Under this clause of the rule, we leave it to an entirely irresponsible statement, unsigned, handed to the Clerk.

The CHAIRMAN. This is all in the nature of general debate which has been expressly terminated by order of the House. It is now in order to discuss amendments.

Mr. ROBINSON. I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota [Mr. DUNNELL] has had for some minutes in the hands of the Clerk an amendment which will now be read.

The Clerk read as follows:

Rule VIII, after the word "voting," in clause second, add the following: *Provided*, They shall be announced but once during the same legislative day.

Mr. DUNNELL. I am very glad, Mr. Chairman, this rule has been reported by the chairman of that committee, although it dignifies and recognizes pairs between members. It will save, if followed, a great deal of time and render our work so much more acceptable. But I think the amendment which I have proposed, if adopted, will save more time, because we may have seven or eight times during a single sitting the announcement of these pairs. If this amendment be adopted the announcement is made but once, after the second roll-call, when the announcement of pairs is to be made. As the rule now stands that announcement must be repeated after the roll-call on every vote; so the clerks will be reading off a list of pairs here perhaps half a dozen times during the same sitting of the House. My amendment simply provides that this announcement of pairs shall be made but once during any legislative day. I think that amendment ought to be acceptable to both sides of the House.

Mr. BLACKBURN. Speaking for myself, I am disposed to accept the amendment of the gentleman from Minnesota. The object of the Committee on Rules in drafting this new rule was to economize time, which I am sure the gentleman from Massachusetts will appreciate and recognize when I remind him that in the confusion incident to taking the vote by yeas and nays it frequently occurs that the same pair is announced from this side of the House and again announced from that side of the House. The Committee on Rules thought the time would be economized by requiring this list of pairs to be furnished to the Clerk in writing, so that but one announcement of a pair would be made on any vote.

Now, if the gentleman from Massachusetts desires, I am perfectly willing to insert after the word "members," in the second line, clause 2 of Rule VIII, the words "and signed."

Mr. ROBINSON. By them.

Mr. BLACKBURN. By them, if they choose; but I do not think that is necessary, because that second clause declares pairs shall be announced by the Clerk at the completion of the second roll-call from a written list furnished him by members. If that list be not signed by a member of the House, what evidence has the Clerk that it has been furnished by a member at all? It must be signed by a member to carry *prima facie* evidence to the Clerk that a member of the House has furnished it.

Mr. ROBINSON. Let me suggest a gentleman may carry to the Clerk a piece of paper signed by anybody.

Mr. BLACKBURN. What evidence would that piece of paper carry to the Clerk that it had been furnished by a member of the House?

Mr. ROBINSON. If I carry it to the Clerk myself it is the best evidence—the evidence of his own sight.

The CHAIRMAN. No such question is now before the committee.

Mr. BLACKBURN. Having said so much on that point, I will simply say of the amendment offered by the gentleman from Minnesota that for myself I cannot see the necessity for announcing a pair between gentleman more than once in any legislative day.

And in that connection, let me add, it is only of recent years that a list of those members not voting has been published in the RECORD at all. Prior to that time and until very recently no record was ever made except of the members voting in the affirmative and negative. Of recent years a record has been made of those not voting, but to this day no recognition of pairs has ever been made at all. I think the rule proposed by the committee requiring a written list to be furnished by members necessitates the signature of the member furnishing the list, and the amendment offered by the gentleman from Minnesota that the announcement of such pairs shall be but once in any legislative day seems to me a still further complement of the offer of the committee to expedite the calling of the roll.

Mr. DUNNELL'S amendment was adopted.

Mr. ROBINSON. Is it in order to submit an amendment now?

The CHAIRMAN. It is.

Mr. ROBINSON. I move, then, after the word "members," in the second line of the second clause, to insert these words: "and signed by them."

Mr. BLACKBURN. I have no objection to that, and there is no objection I think on the part of the committee.

Mr. HAWLEY. Would it require both of the members to sign the announcement of the pair? It would seem so.

Mr. BLACKBURN. The member making the report.

Mr. WRIGHT. Let the amendment be reported again.

The amendment was again read.

Mr. BLACKBURN. Let me ask the gentleman from Massachusetts [Mr. ROBINSON] to change his amendment so as to insert the words after the word "furnished" instead of after the word "members;" and let it read:

Pairs shall be announced by the Clerk after the completion of the second roll-call, from a written list furnished him and signed by members.

Mr. ROBINSON. I will modify my amendment in the manner suggested.

Mr. ACKLEN. I offer as an amendment to the amendment what I send to the desk.

The Clerk read as follows:

Strike out these words: "from a written list furnished him by members," and insert "from written statements furnished and signed by the member presenting the pair."

Mr. CLYMER. Now let the amendment of the gentleman from Massachusetts [Mr. ROBINSON] be read.

The Clerk read as follows:

Strike out the words "by members," and insert "and signed by the member making the statement to the Clerk."

Mr. ACKLEN. I think that covers the ground; and with the permission of the committee I withdraw my amendment to the amendment.

The question being taken on Mr. ROBINSON'S amendment, as modified, it was agreed to.

Mr. TOWNSHEND, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the clause the following:
But no pair shall be announced unless one of the parties to the pair is absent by leave of the House.

Mr. TOWNSHEND, of Illinois. I can see no use in having a pair if in the first place the two members are on the floor. In the second place if members absent themselves without leave of the House, I do not think they should enjoy the privilege we are now to confer upon them of having their pairs announced. I think the adoption of the amendment would secure a better attendance of members so as to promote the dispatch of public business.

The question being taken on the amendment it was not agreed to.

Mr. TOWNSHEND, of Illinois. I offer the amendment which I now send to the desk.

The Clerk read as follows:

Add to the clause the following:
A list of all members absent without leave shall be inserted at the end of the Journal and read by the Clerk as a part thereof.

Mr. TOWNSHEND, of Illinois. My object in offering this amendment is that the Clerk, on the day following the day on which the member is absent, shall have before the House a list of those who have neglected to discharge their duties upon this floor. I wish in other words to make it conspicuous in the Journal who are absent from their seats and from their posts of duty.

The amendment was not agreed to.

* * * * * * *

The Committee of the Whole resumed its session.

Mr. HAWLEY. I move to strike out the last word, only for the purpose of making an inquiry of the gentleman from Kentucky. I notice on page 4 of his report, under the title "of the members," a statement that the Committee on Rules desire to provide "that no member outside the railing inclosing the seats shall be counted." That is to define what shall be the floor; but while that is in the report, I find nowhere in the rules any such definition. I call the attention of the gentleman from Kentucky to what appears to be an omission.

Mr. BLACKBURN. It is true that is not in the rules.

Mr. HAWLEY. And yet the report says the committee desire to provide that no member outside the railing inclosing the seats shall be counted as within the Hall.

Mr. BLACKBURN. I will state to the gentleman from Connecticut [Mr. HAWLEY] that "the floor of the House" has never been defined in terms by any rule. But the rule to which he refers simply requires that a member, when desiring to vote, shall come within the railing that incloses the seats of members of the House.

Mr. HAWLEY. But there is no such rule. Where is it?

Mr. BLACKBURN. There is a ruling made in the Thirty-fifth Congress at its first session, soon after the occupancy of the present Hall. I refer the gentleman to page 164 of the Manual and Digest.

Mr. HAWLEY. But that Manual and Rules are those for which are to be substituted these we are now considering.

Mr. BLACKBURN. It is not the purpose of the Committee on Rules to do more than it has done. The ruling declared "that in order to be entitled to vote a member must have been upon the floor of the Hall, and not outside *any* of the doors leading to it."

Mr. HAWLEY. Is that the rule?

Mr. BLACKBURN. No, sir; but a ruling of the Speaker of the Thirty-fifth Congress, which upon appeal was sustained by a vote of the House. The rule to which the gentleman from Connecticut refers is simply meant to simplify and make more convenient the duty imposed upon the Speaker in the matter of a count by a rising vote. If members are permitted to vote in all the vacant places in the rear of the seats, it will be difficult to arrive at anything like an accuracy of count. This rule simply requires that upon a division each member shall come within the railing to be counted.

Mr. HAWLEY. That is exactly what I am driving at. The gentleman says "this rule;" there is no such rule. But in their report the Committee on Rules says:

The principal changes made under this head are as follows:

* * * * * * *

Second, That no member outside of the railing inclosing the seats shall be counted.

Now, that is all right enough; but it is not in these rules.

Mr. BLACKBURN. No, sir; because it is not in the power of the Committee on Rules or of the House of Representatives to refuse to any member of this House the right to vote if he be upon the floor of the House.

Mr. HAWLEY. Then the report of the committee requires——

Mr. BLACKBURN. No, it does not require. The intention of the committee was, as far as possible, to bring members inside of the railing to give their votes upon a rising count. But the committee did not understand that it had the power, nor does it believe that the House of Representatives has the power, under the Constitution of this country, to refuse the gentleman from Connecticut [Mr. HAWLEY] the right to cast his vote, though he be outside of the railing. It is simply a suggestion by the committee. The gentleman can vote if he is anywhere upon the floor of the House.

Mr. HAWLEY. What does this page 4 of the report mean, then?

Mr. BLACKBURN. Page 4 means no more and no less than what I have already stated to the gentleman from Connecticut: that in order to arrive at anything like an accuracy of count it is simply requested or suggested, there being an utter absence of power to enforce it, that upon a rising vote members shall come inside of the bar that incloses our seats here. But if the gentleman from Connecticut shall see fit to cast his vote from the remotest corner of this Hall, there is nothing within the power of the House, much less within the power of the Committee on Rules, to deprive him of his constitutional prerogative to vote.

Mr. HAWLEY. I do not object to a word of that. But I do not understand why you have said that you have made a provision in the rules requiring that no member shall be counted unless within the bar of the House, when you have not made it.

Mr. BLACKBURN. We have not said so.

Mr. HAWLEY. I withdraw my *pro forma* amendment.

There being no objection, the *pro forma* amendment was withdrawn.

The Clerk read the following:

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, character, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Mr. SPRINGER. I desire to amend the rule just read by inserting, after the words "in their representative capacity only," the words which I send to the Clerk's desk.

The Clerk read as follows:

And such conduct as disqualifies them from holding any office of honor, trust, or profit under the Government of the United States.

Mr. SPRINGER. If a member of this House has been guilty of any conduct which disqualifies him under the laws of the United States from holding any office of honor, profit, or trust under the Government of the United States, that ought certainly to be such a question of privilege as will entitle this House to act upon it at any time. That is the object of my amendment.

Mr. GARFIELD. The gentleman will see how exceedingly unwise it would be to introduce an element of that sort into our rules, unless it shall say that the party had been convicted of the crime and sentenced to the disqualification. If the gentleman shall put it in the way he now does, any man might say: "I judge such a person ought to be disqualified, and I therefore make the point upon him." The gentleman certainly could not expect that this House will become itself the judge of whether a man had committed a crime of that sort or not, shall turn itself into a criminal court for the trial of a man on a question of that kind. If the gentleman is going to offer an amendment of that kind at all, it ought to apply to a case where a person has been convicted and sentenced by a proper court.

Mr. SPRINGER. The gentleman knows very well that all persons are presumed to be innocent of every offense until they have been tried and convicted.

Mr. GARFIELD. Certainly.

Mr. SPRINGER. Therefore they are not guilty of offenses which disqualify them from holding any office of honor, trust, or profit, unless they have been convicted of such offense.

Mr. GARFIELD. But the amendment of the gentleman does not say "conviction."

Mr. SPRINGER. The law presumes every man to be innocent of everything until he has been convicted.

Mr. GARFIELD. The House may not presume that.

Mr. SPRINGER. It is not necessary that the rule should recite the common law on the subject. The rule simply recites the fact that the member is guilty; and there is a recognized means provided by law of determining that question.

Mr. CONGER. Let the amendment be read again.

Mr. SPRINGER. Let the clause be read as it will stand if amended. There is nothing wrong in the amendment.

The Clerk read as follows the clause as proposed to be amended by Mr. SPRINGER:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, character, and conduct of members individually in their representative capacity only; and such conduct as disqualifies them from holding any office of honor, trust, or profit under the Government of the United States, and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Mr. HARRIS, of Virginia. I concede the correctness of the criticism of my friend from Ohio, [Mr. GARFIELD.] But assuming that a member should forfeit his seat on this floor by reason of any crime he may have committed, that is fully covered by the preceding portion of the clause in which it is declared that—

Questions of privilege shall be, first, those affecting the rights of the House collectively.

If there should be unworthy members here, members who ought to be expelled because of the commission of crime, it is a question for the investigation and action of the House. It certainly affects the "dignity" of the House if any member has committed a crime against the laws of the country which would warrant his expulsion. I think, therefore, that the object of the amendment is fully covered by the language already embraced in the clause.

Mr. REAGAN. I am afraid we shall make a blunder if we adopt the amendment proposed. It seems to me subject to the criticism of the gentleman from Ohio. Its language is "guilty" of any offense; it does not say "convicted" of any offense. If we saw proper to take jurisdiction, we might have to try a criminal charge here. I think, however, that the rule as it stands goes as far as we ought to go. Even if it does not, I believe we should make a mistake by adopting the amendment in the form presented.

The question being taken on the amendment of Mr. SPRINGER, it was not agreed to.

Mr. HARRIS, of Virginia. I move to amend by striking out in line 3 of the pending clause the word "character." The clause will then provide that the second class of questions of privilege shall be those affecting the rights and conduct of members individually. I will state my object in offering this amendment. It has apparently been the purpose of the Committee on Rules to narrow the grounds of "personal explanations" in this House. The House has been again and again mortified by the proceedings attending "personal explanations" on this floor. Now it seems to me that if we omit the word "character," the language "rights and conduct of members" will embrace everything which the committee designed to include, while it will not leave open a wide door for "personal explanations" such as we have too often heard.

What is character as distinguished from conduct? Character is but the offspring or result of conduct. Every question affecting the rights or the conduct of a member affects to some extent his character. I think that if the word "character" be left in we open the door for those disreputable scenes which we have so often witnessed. A member may rise on this floor to defend himself from an attack made by a newspaper in his district, charging him with some offense committed twenty years before. He may allege that this affects his character as a Representative, because if guilty of the offense charged as having been committed twenty years ago he ought not to be here among respectable men. The amendment I have offered will narrow the ground for "personal explanations."

Mr. REAGAN. It will be seen that the word "character" is qualified by the succeeding words "in their representative capacity."

Mr. HARRIS, of Virginia. I say that a man's character in his representative capacity arises only from his conduct, his acts. These are the questions for investigation. His actions constitute his character. When you strike out the word "character" questions affecting a member's conduct will embrace all that properly should be included without leaving open a wide door for the introduction upon this floor of all kinds of newspaper assaults.

Mr. FINLEY. What distinction does the gentleman make between "conduct" and "character?"

Mr. FRYE. I think the gentleman from Virginia [Mr. HARRIS] is mistaken in his construction of this clause. He must take the language, "rights, character, and conduct," as qualified by the succeeding words, "in their representative capacity." The rights referred to are the rights of a member in his representative capacity only; the character referred to is the character of a member in his representative capacity only; the conduct referred to is the conduct of a member in his representative capacity only.

Mr. HARRIS, of Virginia. I want to ask my friend a question which I know he will answer frankly. He has not been in the habit of answering frankly; but I know he will do so to-day. How does a man obtain character in his representative capacity except as arising from his conduct in his representative capacity?

Mr. FRYE. There might be a very great difference. The conduct of a member in his representative capacity might refer to certain conduct on the floor of the House calling for censure. A question of privilege might be raised on that. The character of a member I will not undertake to define; but it is that reputation which he might get by charges affecting his character, perhaps in the way of purchase of votes.

Mr. HARRIS, of Virginia. That would affect his conduct.

Mr. FRYE. Or corruption or anything of that kind.

Mr. HARRIS, of Virginia. That will affect his conduct. Character is the result of conduct.

Mr. HAWLEY. Confusion arises in discussing this, from the fact that the word "character" ought not to be there at all for another reason. It is not *character* that is meant, it is *reputation*. Nobody outside, by anything he can say or do, can affect my character. I make my character, but mischievous men may make me a bad reputation on a good character. It is reputation that ought to be there. If you do anything, I move to strike out "*character*," and insert "*reputation*." I would still strike them both out, but I will wait to see whether the word "*character*" is to go out or not.

The question recurred on the amendment of Mr. HARRIS, of Virginia.

The committee divided; and there were—ayes 26, noes 50.

So (no further count being demanded) the amendment was disagreed to.

Mr. HARRIS, of Virginia. I offer the following amendment, to come in at the end of Rule IX:

The foregoing, and none other, shall be questions of privilege.

Mr. Chairman, my object in offering that is the same I had in offering the preceding amendment. It will be observed by next to the last rule proposed here, Rule XLIV, it is provided "the rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and joint rules of the Senate and House of Representatives. Now, this rule does not preclude any other question which has been held to be a question of privilege from being such, but it says such questions shall be questions of privilege. Then in the last rule I have read a provision is contained that the rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable. They are to be applicable where not inconsistent with the present rules. Now, if you turn to this book you will find almost every question has been held to be a question of privilege, and a privilege which may be exercised by personal explanation.

Take that last clause together with this rule and every question which arises will be a question to be decided by Jefferson's Manual as well as by this new rule.

Gentlemen may say that is not embraced in the new rules as one of the questions of privilege. To them I reply it has been so held in Jefferson's Manual to be a question of privilege. Unless you add the proviso I have suggested we will have all the scenes we have heretofore had since the foundation of the Government down to the present time. I hope there will be a restriction declaring that these, and only these, shall be considered questions of privilege.

Mr. FRYE. I should like to hear the amendment again read.

The amendment was again read.

Mr. SPRINGER. I think this amendment should not be adopted It has been held by Speaker BLAINE and by other Speakers of this House that all questions relating to the impeachment of the President of the United States or of a public officer were privileged questions. That question is not embraced here.

Mr. BLACKBURN. Ah! Will the gentleman from Illinois allow me a moment? I am afraid the gentleman from Illinois, as well as the gentleman from Virginia, has failed to draw the distinction between privileged questions and questions of privilege. The Committee on Rules have sought to draw that line very sharply.

Mr. SPRINGER. Privileged questions are questions which the rules make privileged by their terms, and questions of privilege are such as are questions of privilege by the general common law of parliamentary bodies. That is the distinction. We make many questions privileged questions. For instance, the Committee on Printing may report at any time, and that is a privileged report, because our rules make it such. Questions of privilege are such as by the general common law of legislative bodies take priority over all other business. The question as to the impeachment of a public officer is one of those questions. I do draw the distinction, and this rule is intended to cover just the case I have indicated.

Mr. BAKER. I move to strike out the last word. I desire to make a suggestion. If there is any difficulty, such as anticipated by the gentleman from Virginia, we ought not to encumber these rules by the addition of an entire paragraph when a single word of four letters would accomplish the object—by inserting the word "only" between "shall" and "be" in the first line, so it will read "Questions of privilege shall only be," &c.

Mr. HARRIS, of Virginia. I accept that amendment as a modification of mine.

The CHAIRMAN. The question then is on the adoption of the amendment of the gentleman from Virginia as modified.

Mr. FRYE, I understood the gentleman from Virginia to accept the proposition of the gentleman from Indiana.

The CHAIRMAN. He did.

Mr. FRYE. Of course there is no objection to it, only the other word "only" occurring later should be stricken out.

The CHAIRMAN. That will be done.

Mr. BAKER. It is said the reading would be better by having the word "only" follow the word "be;" so it will read: "Questions of privilege shall be only," &c. I so modify my amendment.

Mr. BLACKBURN. I am satisfied the gentleman from Virginia in offering his amendment here does not desire to make a rule of this House conflict with the provisions and requirements of the Constitution itself.

Mr. HARRIS, of Virginia. No, sir; you cannot do it.

Mr. BLACKBURN. Of course it would be inoperative. What would the gentleman say about the question of impeachment?

Mr. HARRIS, of Virginia. The Constitution provides for that. It stands above all rules and above Congress, and therefore you need not

make any rule about it. It is made a rule by the Constitution and is impliedly embraced in the rules themselves.

Mr. BLACKBURN. I am not caviling with the gentleman. Now, Mr. Chairman, if we adopt the amendment offered by the gentleman from Virginia would we not have the ninth rule of this House directly in conflict with the provisions of the Federal Constitution, because that instrument declares this House has the sole power in the matter of impeachment? That is a question of privilege, and the very highest question known to this deliberative body. It is hedged around with constitutional provisions. If we were to add that these questions enumerated, among which the question of impeachment is not found, and none other, are to be considered questions of privilege, would it not, by proving inoperative, put this House, by the adoption of this system of rules, in the awkward position of attempting to override the Constitution of the United States?

Mr. HARRIS, of Virginia. Just at that point of my friend's remarks let me ask a question. I do not presume the rule undertook to control the great constitutional questions which are provided for in that instrument, but if it did, it is provided in these rules that questions of privilege shall be, first, those affecting the rights of the House collectively. What is the right of the House? It is to impeach an officer. That is the highest question of privilege under the rule.

Mr. BLACKBURN. I do not mean to say, Mr. Chairman, that the adoption of any rule would or could in any way impair the constitutional prerogative of the House of Representatives. That is not my point at all. I call the attention of the gentleman from Virginia to the fact that the adoption of his amendment, which seems to me to be unnecessary, would put the House in the position of at least apparent antagonism to one of the fundamental provisions of the Constitution.

The Committee on Rules did not enumerate the matter of impeachment here under questions of privilege, because it is a constitutional prerogative of this House.

Mr. HARRIS, of Virginia. I still ask my friend the question——

Mr. BLACKBURN. I am answering frankly. I think it would leave the power of the House unimpaired.

Mr. HARRIS, of Virginia. Is it not provided in the rules that questions of privilege shall be first those affecting the rights of the House collectively?

Mr. BLACKBURN. I answer the gentleman and say, yes. I will say it does not affect the power of the House on questions of impeachment at all, but it will at least result in an apparent effort to ignore and to deny to the House a prerogative and power which the Constitution imposes.

Mr. BLOUNT. I should like to ask the gentleman from Kentucky a question.

The CHAIRMAN. Debate is not in order.

Mr. SPRINGER. I move to strike out the last word.

The CHAIRMAN. That amendment has already been made.

Mr. SPRINGER. Oh, no; it was on the preceding amendment. The point I desire to make is this: The same rule which says the House shall have the sole power of impeachment in this House also says that each House may determine the rules of its proceedings. The question of privilege here is simply as to the priority of business, and if the power of impeachment itself rests in this House, it is still within the power of the House to say that the motion for impeachment shall not take effect until after the morning hour, or that it shall not be in order when something else is pending.

This House can provide its rules, and those rules would determine at what hour the House would consider the question of impeachment. The right to impeach does not imply the right to impeach while the Journal is being read, or the roll called, or the previous question on another question is being moved or a division on it taken. But this House may provide the rules for its own proceedings; and if you put it in the rules that that is not a privileged question, the rules will provide when the House will take it up. Therefore, I think the House will vote down this proposition to limit what should be considered in all legislative bodies questions of the highest privilege.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia, [Mr. HARRIS.]

The question being taken, the amendment was not agreed to.

Mr. HAWLEY. I move to strike out the word "character" and insert the word "reputation." "Character" is what we are; "reputation" is what people think of us, what they paint us to be.

The amendment was agreed to.

The CHAIRMAN. Rule X will now be read.

Mr. DUNNELL. I desire to ask the Chair how that rule will be treated in being read for amendments?

The CHAIRMAN. The portion relating to each committee will be considered as a distinct clause.

The Clerk proceeded to read Rule X, as follows:

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, namely:

On Elections, to consist of fifteen members.
On Ways and Means, to consist of thirteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of eleven members.
On Coinage, Weights, and Measures, to consist of eleven members.
On Commerce, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of eleven members.
On Military Affairs, to consist of eleven members.
On Naval Affairs, to consist of eleven members.
On the Post-Office and Post-Roads, to consist of eleven members.
On the Public Lands, to consist of eleven members.
On Indian Affairs, to consist of eleven members.
On the Territories, to consist of eleven members.
On Railways and Canals, to consist of eleven members.
On Manufactures, to consist of eleven members.
On Mines and Mining, to consist of eleven members.
On Public Buildings and Grounds, to consist of eleven members.
On Pacific Railroads, to consist of eleven members.

Mr. HAWLEY. If not too late, I suggest that we strike out the word "specially" in the first line. If anything is ordered it is ordered.

The CHAIRMAN. Is there objection to going back?

Mr. BLACKBURN. I do not see the necessity for that change.

Mr. HAWLEY. The only necessity is to get rid of superfluous words so as to make a good job of this.

Mr. BLACKBURN. I desire to conciliate the gentleman from Connecticut as far as possible with regard to these verbal amendments, but I do not see the necessity for this.

The CHAIRMAN. Is there objection to going back?

Mr. BLACKBURN. I object.

The Clerk read as follows:

On Levees and Improvements of the Mississippi River, to consist of eleven members.

Mr. GIBSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In Rule X, line 24, strike out the words "Levees and," and insert after the word "river" the words "and its tributaries;" so that it will read:

On Improvement of the Mississippi River and its Tributaries, to consist of eleven members.

Mr. FRYE. I suggest to the gentleman from Louisiana that the real controversy as to that will arise under the clause distributing the various duties to the several committees, and that the amendment be reserved and offered at that point. Then if the House sanctions the amendment which the gentleman from Louisiana desires, consent will be given to go back and amend the title.

Mr. GARFIELD. Let the consent be given now to go back to amend the title of the committee if necessary.

The CHAIRMAN. The Chair understands the purpose of the amendment to be to change the name of the committee. That is a matter which would not come up under the other rule.

Mr. GARFIELD. It does more than that. It changes the scope of the committee by adding all the tributaries of the Mississippi River; and if, when we get to the substantive clause in the next rule, the view of the gentleman from Louisiana prevails, the suggestion is that his right to go back be now reserved.

Mr. GIBSON. On that understanding I am willing to withdraw my amendment.

The CHAIRMAN. If there be no objection, this clause with the pending amendment will be passed with the privilege of returning to it hereafter.

There was no objection, and it was so ordered.

Mr. CHALMERS. With reference to the same committee I offer the following amendment:

Rule X, line 25, strike out "eleven" and insert "thirteen;" so that it will read:

To consist of thirteen members.

Mr. GARFIELD. Let that also be passed over.

Mr. BLACKBURN. These two amendments are simply passed over for consideration under Rule XI.

The CHAIRMAN. The Chair understands they are passed over with the agreement that if the committee in considering Rule XI should determine to enlarge the scope of this committee so as to make it conform to the name proposed by the gentleman from Louisiana, it may return to Rule X and consider those two amendments.

The Clerk resumed the reading of the report and read as follows:

On Education and Labor, to consist of eleven members.
On the Militia, to consist of eleven members.
On Patents, to consist of eleven members.
On Invalid Pensions, to consist of eleven members.

Mr. COFFROTH. I offer the following amendment to the clause last read:

Strike out "eleven" and insert "fifteen;" so it will read:
On Invalid Pensions, to consist of fifteen members.

Mr. GARFIELD. If they have three clerks I think they ought to have fifteen members.

Mr. BLACKBURN. I have no objection to the amendment.

Mr. BROWNE. I hope that amendment will prevail.

The amendment was agreed to.

The Clerk resumed the reading of the proposed rule and read as follows:

On Pensions, to consist of eleven members.
On Claims, to consist of eleven members.

Mr. BRIGHT. I offer the following amendment to the clause last read:

Strike out "eleven" and insert "fifteen;" so that it will read:
On Claims, to consist of fifteen members.

Mr. BLACKBURN. I know that the Committee on Invalid Pensions and the Committee of Claims are both overworked committees. I have no authority to speak for the Committee on Rules; but, speaking only for myself, I beg to state there is no objection to this amendment on my part.

The amendment was agreed to.

The Clerk read as follows:

On War Claims, to consist of eleven members.
On Private Land Claims, to consist of eleven members.
On the District of Columbia, to consist of eleven members.
On Revision of the Laws, to consist of eleven members.
On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.
On Rules, to consist of five members.
On Accounts, to consist of seven members.
On Mileage, to consist of five members.
Also the following joint standing committees, namely:
On the Library, to consist of three members.
On Printing, to consist of three members.
On Enrolled Bills, to consist of seven members.
2. He shall also appoint all select committees which shall be ordered by the House from time to time.
3. The first-named member of each committee shall be the chairman, and, in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee by a majority of their number elect a chairman.

Mr. FRYE. After the word "chairman," occurring in the second line of clause 3, there should be a semicolon instead of a comma.

Mr. BLACKBURN. I will say to the gentleman from Maine that I have an amendment which covers the point he is now making. I assure the gentleman the punctuation has been carefully attended to.

Mr. FRYE. In this case the punctuation would make a very great difference to the meaning.

Mr. BLACKBURN. It would. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert a semicolon after "chairman," in line 2, and strike out the comma after the word "and" in the same line.

Mr. BLACKBURN. That leaves the rule precisely as it stands today.

The amendment was agreed to.

Mr. BAYNE. I move to amend, in the fourth line of clause 3, by striking out the word "their" and inserting in lieu thereof the word "its;" also, by striking out the word "elect" and inserting in lieu thereof the word "elects."

Mr. BLACKBURN. I have no objection to that.

Mr. RANDALL, (the Speaker.) Let us see about that a moment.

Mr. GARFIELD. I do not think that is right. A committee always speaks in the plural, and I do not think we ought to change the order and custom of years. A committee is not "it." My friend from Pennsylvania [Mr. BAYNE] would reduce it to the neuter gender and the singular number.

Mr. BURROWS. You say "would reduce it." [Laughter.]

Mr. GARFIELD. The committee.

Mr. BAYNE. I offer this amendment in no spirit of criticism. I disclaim any spirit of criticism, because I know that long custom has sanctioned the use of the plural adjective pronoun "their" in such a case as this instead of the neuter pronoun "it."

Nevertheless, I think the distinguished gentleman from Ohio [Mr. GARFIELD] is somewhat mistaken in saying that the word "committee," a collective noun, denotes the plural any more than the word "House" denotes plurality. The fact is that the unity which indicates and defines a collective noun, which is to be followed by a singular verb, is applicable to any body of persons which acts in a collective capacity as a committee acts. The words which are applied to designate a committee are always of the singular character, as "that committee," "this committee," "one committee." We use the plural when we say "two committees," "these committees," "those committees," and we indicate the plurality of existence by using the proper words to denote plurality.

Now, if you will examine this clause you will see the absurdity of using the word "their" as applied to a committee. For instance, we say this House resolves itself into a Committee of the Whole House. Now what are the constituents of this House as a Committee of the Whole different from the House as a House of Representatives? There is not a particle of material difference. The only difference that I can imagine is the fact that the Sergeant-at-Arms takes down the American eagle, and the Speaker gives place to a chairman. All the elements that constitute this House are precisely the same as those that constitute a Committee of the Whole; yet the word "House," denoting this body, in the Constitution and in the rules under consideration, is used as a collective noun in the singular number.

So far as my observation extends collective nouns have been coming one by one into the category in which I would place this one. It is according to all the analogies. It is the survival of the fittest that is taking place. It manifests itself in the spirit of generalization which is accomplishing so much in these days. And I say that the word "their," as it is, stands out in these rules as a patent solecism.

The proper word to be used in that connection is the word "it," a word denoting unity. Suppose that a committee consists of but one person, as it may very well do. Would you apply the term "their" to that committee? How will you distinguish the fact that a committee consists of more than one person? What would enable us to ascertain that fact? We cannot ascertain it from the word "committee" itself, but we must refer to something else, some extraneous sources of information, to indicate to us that the committee consists of more than one person.

Now, take the word "corporation," or the word "court," or the word "House," or the word "assembly;" take any word indicating a body that acts in a collective capacity, and the singular pronominal should be used instead of the plural. I hope, for the sake of keeping our very excellent rules in the best grammatical shape, that my amendment will prevail. It certainly is a correct one.

Mr. BURROWS. I desire to offer an amendment to the amendment—to strike out the words "by a majority of their number;" so that it will read:

The first-named member of each committee shall be the chairman, and, in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee elect a chairman.

Of course they cannot elect a chairman except by a majority.

Mr. FRYE. Yes, they can.

Mr. BLACKBURN. Allow me to call the attention of the gentleman to the effect of his amendment. A quorum of a committee might meet, and, under his amendment, a majority of that quorum, but a minority of the committee, might displace the chairman named by the Speaker and elect one in his stead.

Mr. BAKER. I would inquire how it happens that after an amendment is offered to the fourth clause and a speech made on it we can get back to the third clause?

The CHAIRMAN. The committee is now engaged in considering the third clause.

Mr. WARNER. Leave in the words "by a majority."

Mr. BURROWS. I will modify my amendment by adopting the suggestion of the gentleman from Ohio, [Mr. WARNER,] so that it will read "unless the committee by a majority elect a chairman."

The amendment was agreed to.

The question then recurred on the amendment of Mr. BAYNE.

Mr. BRIGHAM. In justification of the amendment of the gentleman from Pennsylvania, I would call attention to the language employed in the second clause of Rule 23, on page 38:

Whenever a Committee of the Whole House finds itself without a quorum.

If the singular pronoun is proper in this case, it is equally proper in the case now before the committee. If some of the criticisms which have been made here are correct, the clause I have just read should read:

Whenever a Committee of the Whole House find themselves without a quorum.

The question being taken on the amendment of Mr. BAYNE, it was not agreed to; there being—ayes 35, noes 49.

The Clerk read as follows:

4. The chairman shall appoint the clerk of his committee, subject to their approval, who shall be paid at the public expense, the House having first provided therefor.

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—
1. To the election of members: to the Committee on Elections.

Mr. SPRINGER. I move to amend by striking out in the clause last read the word "election" and inserting "elections, returns, and qualifications;" so as to read:

To the elections, returns, and qualifications of members: to the Committee on Elections.

The amendment simply uses the language employed in the Constitution of the United States. I presume there can be no objection to it.

Mr. GARFIELD. I hope the gentleman will not insist on this amendment. Everybody knows that the single word "elections" covers the whole case. If the gentleman puts on the additional words proposed by his amendment, he would also have to add the words "and Delegates," thus making an unnecessarily long and cumbrous title. The present title is not misunderstood by anybody. I hope we shall let it remain as it is. We do not want to have painted on the door of

a committee-room a long title when a short one will do just as well. So also in the heading of our letter-paper a short title is better. It is really an economy of wind to say elections simply, instead of saying all that the gentleman proposes.

Mr. SPRINGER. The gentleman might have economized himself very much in that respect if he understood this amendment before making his speech. The amendment does not refer to the name of the committee, but to the subjects referred to it. It proposes to make the clause read:

To the elections, returns, and qualifications of members: to the Committee on Elections.

Mr. GARFIELD, Qualifications and returns are included in the word "elections."

Mr. SPRINGER. Our fathers when they made the Constitution did not so understand, because they used exactly the terms embraced in my amendment.

Mr. GARFIELD. Well, our fathers made our rules; and we have lived under them nearly a hundred years and have found them comprehensive enough to cover every case. I confess that I thought at first that the amendment referred to the title of the committee, still I do not consider it at all necessary.

Mr. SPRINGER. The amendment simply uses the terms used in the Constitution of the United States—"elections, returns, and qualifications of members." It seems to me there can be no objection to it.

Mr. KEIFER. I think it is quite objectionable. If the gentleman himself will examine the matter carefully, I think he will see great inappropriateness in adding these words. The Committee on Elections is not a committee to consider returns, but to consider elections. It would be a very great piece of folly, I think, to say that we had a committee on returns and elections.

Mr. SPRINGER. That is the language of the Constitution.

Mr. KEIFER. The Constitution of the United States does use the words which the gentleman proposes to insert here; but it uses them with reference to the power of the Senate and the House of Representatives in the determination of these questions. We want a Committee on Elections simply. The common acceptation of the words "Committee on Elections" has been so well understood that it is entirely unnecessary, and I think the gentleman on reflection will see it would be a little ridiculous, to add the words proposed by his amendment.

Mr. SPRINGER. It would be no more ridiculous than the Constitution of the United States is ridiculous.

Mr. KEIFER. Oh, yes; a good deal more.

Mr. SPRINGER. The Constitution, in section 5, declares that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

Now, if the honorable gentleman from Ohio [Mr. KEIFER] and his colleague [Mr. GARFIELD] had been members of the constitutional convention they would have suggested to the framers, "That is a little ridiculous."

Mr. KEIFER. Not at all, because the clause refers to the power of each House.

Mr. SPRINGER. They would have said, "You need not put in those terms at all. The House of Representatives has nothing to do with the returns of members." I say that the term "elections" does not necessarily cover all the subjects mentioned in the Constitution of the United States.

Mr. GARFIELD. Will the gentleman allow me to suggest that the Committee of Elections has nothing in the world to do with the returns and qualifications of members, unless there is a contest about an election? All members about whose seats there is no contest hand their returns to the Speaker or the Clerk; their certificates are read at the desk; they are sworn in; and that is the end of it. When there is a contest about any member's election, that case goes to the Committee of Elections, and then the returns are sent to that committee. The House is the judge of the whole thing. The Committee on Elections we may have appointed takes into consideration only the cases of contest.

Mr. SPRINGER. The rule, as just read, provides that—

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating.

Now, subjects relating to the elections, returns, and qualifications of members are referred to this Committee on Elections.

Mr. REED. Well, are not returns and qualifications subjects relating to the election of members?

Mr. SPRINGER. Of course they are.

Mr. REED. What, then, is the need of having more words about it? [Laughter.]

Mr. SPRINGER. I did not hear what the gentleman from Maine said. I am surprised the gentleman uses so many words. I am afraid this Committee on Elections is supposed to have some fearful purpose by the minority of this House in offering this amendment, and I will therefore withdraw it to relieve them of their fears.

The Clerk read as follows:

2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations.

Mr. WHITE. I offer the following to come in at the end of the clause last read.

The Clerk read as follows:

And the general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the different Departments of the Government and interest on the public debt. All other appropriations shall be made by bills containing only items of appropriations relating to the subject-matter of the bill.

Mr. WHITE. Mr. Chairman, a careful reading or careful attention to this amendment makes its meaning obvious. The value of a rule of that kind in the last two years of this Congress can possibly hardly be estimated. It is hardly necessary for me, in view of the history which has recently been enacted here in reference to appropriation bills, to refer in detail to the great advantages of a rule of this kind in this body. We learn by experience that many of the States of this country have yielded to the demand in this respect and have saved their Legislatures from scandal and preserved economy in administration by adopting a constitutional amendment to this effect. The great State of Pennsylvania for years was subject to obloquy, scandal, criticism, by reason of the charges of log-rolling and of incorporation of special legislation in appropriation bills. At the late constitutional convention it adopted the excellent constitutional amendment which is substantially the rule just read in your hearing.

And I will add that the Secretary of the Treasury in his last report calls attention to this subject. I hold that report in my hand, and I find there a practical suggestion from him in this respect. With a view to promote economy he ventures to suggest for the consideration of the respective Houses a permanent organization of an appropriation committee for each House which shall have leave to sit during the recess, with power to send for persons and papers, to examine expenditures, &c.

He asks also that a rule be adopted by the respective Houses limiting appropriation bills to items of appropriation and excluding legislative provisions. This must be in accord with the judgment of every experienced legislator upon this floor, and certainly is in accord with the common sense and patriotism of the country.

I thought this was the right place to put it in, because it specifically and in comprehensive language defines what shall be the duty of the Appropriation Committee. While this does not infringe upon their judicial character, upon their discretionary character, yet it excludes from their jurisdiction everything except the taking up and the manipulation of the public revenues for the support of the different departments of the Government. I think this is the right place to put it in. While I should like to see it a constitutional provision, no doubt it will be a great check and protection to this Congress by making it a part of the rules of this House.

Mr. RANDALL, (the Speaker.) Let the amendment be again read.

The amendment was again read.

Mr. RANDALL, (the Speaker.) I should prefer to have the gentleman from Pennsylvania, [Mr. WHITE,] offer his amendment to the third section of Rule XXI as proposed by the Committee on Rules. If, however, he insists upon inserting it here, I will now say what I desire on this subject. If he will turn to the third clause of Rule XXI as recommended by the committee, he will find the following:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. GARFIELD. I ask the Speaker to let me interrupt him to suggest it is manifest this debate ought to be on the clause to which he has referred. I hope his colleague will withdraw for the present the pending amendment and reintroduce it at the proper place. If we start in there, it will mar the harmony of the rule.

Mr. WHITE. I only do this because the committee had already established a precedent by adding the word in brackets in the seventh clause. Of course I will defer to the sense of the House and the suggestion of my colleague.

Mr. GARFIELD. It will save time.

Mr. WHITE. Let it be considered as pending.

Mr. FRYE. Not in that form.

Mr. WHITE. Then I withdraw it, with the right to introduce it hereafter.

The CHAIRMAN. The Chair will recognize the gentleman to offer the amendment when that Rule XXI is being considered.

Mr. SHALLENBERGER. Mr. Chairman, I desire to offer an amendment to clause 3, which I send to the Clerk's desk.

The Clerk read as follows:

Amend clause 3 by adding the words: "And the several appropriation bills when reported to the House by the committees in which they originate shall be referred to the Committee on Appropriations, to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it and upon its passage."

Mr. SHALLENBERGER. This amendment, Mr. Chairman, does not propose any radical innovation upon these rules as reported by the committee. If gentlemen will observe the report of the committee, it will be found that clause 7 of this same rule introduces a principle which I desire to apply to several appropriation bills, a principle which has been introduced and sustained by the Committee on Rules in reference to the Committee on Commerce, and I desire to refer to words found on page 10 of this report. The Committee on Rules in justifying their proposition that the Committee on Commerce shall report the river and harbor appropriation bill to the House for reference to the Committee on Appropriations, refers specifically to a practice in the Fortieth Congress, when the chairman of the Appropriations Committee, by a distinct agreement, allowed the Committee on Commerce to mature a bill and report it to the House to be referred to the Committee on Appropriations, and it was by that committee reported back to the House, with such recommendations as in their judgment the general expenditures of the Government required.

In addition to that indorsement which the Committee on Rules, intelligent, discreet, and careful as they have been—in addition to that indorsement, we have in the speech of the distinguished gentleman from Ohio [Mr. GARFIELD] a very marked and cordial indorsement of a proposition almost identical in language with the one I now propose, in the assertion by him that during the four years of his chairmanship of that important committee that practice was carefully observed by that committee in its treatment of the river and harbor bill.

Mr. Chairman, I want to say this: I have not risen in any spirit of criticism or cavil. I have proposed no other amendment to these rules, but I do propose this, after mature deliberation, as being in the interest of economy, efficiency, and expedition in framing appropriation bills. I will say that if this practice has been discreetly and judiciously observed in connection with the Committee on Commerce, I see no reason why it should not be observed in reference to the Committee on Public Buildings and Grounds, and other committees.

It has been said that the Committee on Commerce legislates; that it prepares its bills and reports them to the House for improvements not previously authorized by law; and hence it is a committee which should have exceptional privileges. Now, I undertake to say that every committee in this House has the same right *per se* to legislate and appropriate. It is legislating by the Appropriation Committee for the several Departments to increase or diminish their force of employés, and to increase or diminish their pay. The Committee on Appropriations not only legislates for the Committee on Public Buildings and Grounds, but it frequently tears up all the work we have done in our estimates for a public building. We perhaps limit its cost to $500,000. The Committee on Appropriations perhaps adds a million or a million and a half, or possibly three millions, to the work of the Committee on Public Buildings and Grounds.

[Here the hammer fell.]

Mr. WHITE. I move to strike out the last word.

The CHAIRMAN. The gentleman's five minutes have expired.

Mr. MITCHELL. Mr. Chairman, I move to strike out the last word, with the view of yielding my time to my colleague.

The CHAIRMAN. This can only be done by unanimous consent.

Objection was made.

Mr. RANDALL, (the Speaker.) Mr. Chairman, I desire to enter my dissent to the views suggested by the majority of the committee in their report, that it logically follows because this House may be of the opinion that certain functions shall be given to the Committee on Commerce, therefore the duties of the Committee on Appropriations should be scattered among the various other committees which have been designated. It is due to myself to say that.

Mr. GARFIELD. And I agree with you.

Mr. RANDALL, (the Speaker.) It is a very different question. In regard to the scattering of the service of this committee among the various other committees of the House I have very decided views.

I believe that whichever party may be in the ascendant in this House the party discipline and the party judgment as to economic expenditures of the public money will lead in the direction of having a single head to control.

The fact is that the committees to which the gentleman desires to have referred these appropriation bills make all the laws which bind the Appropriations Committee as to the expenditures. The Committee on Commerce, as I said once before when I was upon the floor, are a law unto themselves. The authorization of the appropriations in the river and harbor bill is the only law which looks to the completion of the work provided for in the appropriations; whereas the Committee on Appropriations simply on estimates furnished and from the laws on the statute-book make the appropriations with the exception allowed under the third clause of the twenty-first proposed rule. That is the only exception, and, therefore, it is a mistake to suppose that the Committee on Appropriations can do what it has been charged with doing; it can only make law except in the direction of retrenchment.

Mr. SHALLENBERGER rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. SHALLENBERGER. I move to strike out the last word.

I desire to reply to the remark of the distinguished gentleman from Pennsylvania, Speaker of the House, and a member of the Committee on Rules, and to say that the Committee on Appropriations does legislate. When the Committee on Public Buildings and Grounds, after having exhaustively considered the needs of the public service, having considered the report of the Secretary of the Treasury, having called for specific information from the locality, have determined on what they consider a suitable appropriation in the aggregate for a public building in a certain city, the Committee on Appropriations, as a matter of fact, has overridden, and does override, the legislation on that subject, and has continued the appropriations double, treble, and, perhaps, quadruple the limit originally fixed by the Committee on Public Buildings and Grounds and approved by Congress.

I say, Mr. Chairman, that if it be right and proper for the committee on which I serve to have the jurisdiction of limiting appropriations originally, it is nothing but right and proper that that committee should have something to do and say with an estimate which extends the appropriation beyond the limitation fixed by law. And I say again, when the Committee on Appropriations reports a bill establishing clerical force in the departments, and extending or reducing the salaries of employés, it does legislate to that extent.

I can refer, in the official report of the Supervising Architect of the Treasury, to a number of buildings in this country on which the expenditures have been largely beyond the limitation of law as now upon the statute-book, until we have absolutely no law for the Committee on Public Buildings and Grounds, save and except the will of the Appropriations Committee. I can point you to an illustrious example of that in the city of New York, where there was a large appropriation in 1874 for completion, specifically including machinery, furniture, fixtures, &c. In March, 1875, the Appropriations Committee, without consulting the Committee on Public Buildings and Grounds, appropriated nearly $400,000 for completion, &c.; in July, 1876, $250,000 for completion, and, one month later, nearly a quarter of a million more for deficiency.

This was done under the present system of one economical head for all appropriations, and it is just possible that the grand aggregate expenditures in those years were less than in the year previous by a wholesale lopping off of appropriations imperatively demanded in other sections of the country or in other branches of the public service, the growing necessities of which could not be brought home to the minds of the Appropriations Committee in the time allotted. These large expenditures have been made in the city of New York and other large cities of the country by the Committee on Appropriations, I do not say unwisely, I do not say they did what they should not have done, but I do say that the conclusion in my mind is irresistible that had the Committee on Public Buildings and Grounds been required by the rules to report such appropriations, and the Committee on Appropriations had been directed by the House to report the relative merit and amount of other appropriations carefully matured by other committees, the resulting action of the House in Committee of the Whole must have been in the interest of equality and economy of expenditure.

I say the same principle applies to the Army. If the Committee on Military Affairs decides that the estimates of the Secretary of War for the support of the Army on account of recent reorganization or otherwise are largely in excess of what is required for that purpose, why should the Committee on Appropriations make a report in excess of the real wants of the Army, based on the estimates simply, without consulting the Committee on Military Affairs?

Mr. BLOUNT. I would like to ask the gentleman a question.

Mr. SHALLENBERGER. If my time is extended I would be happy to hear the gentleman's question and to answer it.

Mr. BLOUNT. If what the gentleman says is true, which I do not admit, and if the Committee on Appropriations exceed the limit fixed by law for the completion of public buildings, is it not competent for that gentleman or any member of his committee to have that struck out on a point of order?

Mr. SHALLENBERGER. We have a great many privileges on this floor, but they are not of much value in the absence of intelligent preinvestigation when the Committee on Appropriations at the heel of a session bring in half a dozen bills which we dare not consider and amend lest we defeat the bills.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) This is a new character of complaint. By inference, at least, the gentleman from Pennsylvania seems to charge the Committee on Appropriations with extravagance. We have generally heard in this House the committee attacked because of their economical views.

As regards the particular matter to which the gentleman has alluded: the Committee on Public Buildings and Grounds always provide by law for the erection of public buildings, and they usually make a limitation as to the amount of cost; then the Committee on Appropriations say each year how much money shall be appropriated for that purpose during that year. As has been stated by the gentleman from Georgia, [Mr. BLOUNT,] the Committee on Appropriations cannot increase the amount and thus change the original law relating thereto except by unanimous consent of the House, for a single objection would prevent such action being taken on an appropriation bill. If therefore the cost of a public

building is to be increased the proposition must originate with the Committee on Public Buildings and Grounds.

Mr. CONGER. Or by amendment of the Senate.

Mr. RANDALL, (the Speaker.) I am speaking of legislation in this House. Of course I cannot speak of what they do in the Senate. I would transgress the rules if I did.

My wish is to show to the gentleman from Pennsylvania [Mr. SHALLENBERGER] who submits this amendment and makes this complaint in reference to the Committee on Appropriations that there is no valid ground for his statement in that particular.

Mr. WHITE. I move to strike out the last word.

The CHAIRMAN. That amendment is already pending, and debate has been exhausted upon it.

Mr. WHITE. I do not wish to debate; I want to understand the proposition.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHALLENBERGER] moved an amendment upon which debate was exhausted. Thereupon he moved to strike out the last word of his own amendment, and debate upon that has been exhausted.

Mr. SHALLENBERGER. I will withdraw the *pro forma* amendment.

Objection was made by several members.

The CHAIRMAN. Objection being made, the *pro forma* amendment can not be withdrawn.

Mr. WHITE. I only want to understand if the gentleman from Pennsylvania [Mr. SHALLENBERGER] by his amendment, which is a comprehensive one, means that the different committees of this House, the Committee on Commerce, the Committee on Military Affairs, the Committee on Public Buildings and Grounds, &c., are to originate the appropriation bills for the several departments to which their respective committees relate, report them to this House, and then have them immediately taken charge of by the Committee on Appropriations for such action as that committee may see fit? Is that the proposition before this House?

The CHAIRMAN. The question is on the *pro forma* amendment to strike out the last word, to the withdrawal of which objection has been made.

The *pro forma* amendment was not agreed to.

Mr. MULDROW. I desire to offer a substitute for the third clause of the pending rule.

The CHAIRMAN. The substitute will be read, after which the Chair will determine whether it is in order or not.

The proposed substitute was read, as follows:

To appropriations for expenditures of the executive, legislative, and judicial departments, for the consular and diplomatic service, the sundry civil service, and general deficiencies, to the Committee on Appropriations.

The CHAIRMAN. That amendment is in order.

Mr. MULDROW. I desire to state that, if that amendment shall be adopted, it will be followed by proper amendments which will give to the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Foreign Affairs, the Committee on Indian Affairs, the Committee on the Post-Office and Post-Roads, the Committee on Commerce, the Committee on Invalid Pensions, the Committee on Public Buildings and Grounds, the Committee on Patents, the Committee on Agriculture, and also the Committee on Mississippi Levees the preparation of appropriation bills for their respective departments, and also the control and advocacy of the different appropriation bills to be brought before the House by those committees.

Mr. BLACKBURN. Mr. Chairman, I had hoped, after three weeks had been consumed in discussing the report submitted by the Committee on Rules, and not one hour of that three weeks devoted to anything except the wrangle between the several committees of this House for power, that when we came to consider this report under the operation of the five-minute rule we might have been relieved from a continuation of that discussion.

I take it that anything that any gentleman can now say as to the merits of the proposition to leave the power of the Committee on Appropriations in the hands of that committee, or to divide it among the several committees of this House, will not have the slightest effect or the least influence upon the vote of any member upon this floor.

I do not stand here as the advocate or champion of the Committee on Appropriations. It is by accident alone that I am the only member of that committee who happens to be a member of the Committee on Rules. I do not care for, nor have I aught of concern in, the decision of the issue. But I had hoped that gentlemen would not have been premature in pressing their amendments to this third clause of Rule XI, instead of waiting to present them, where they naturally belong, as the clauses relating to these different committees shall be reached in their order.

I have but this to say: I have grave doubts in my mind whether the best interests of the country would be subserved or not by keeping the general appropriation legislation of Congress in the hands of the Committee on Appropriations. I very much fear, however, that if you divide the duties of that committee and give to each of the committees indicated by the gentleman from Mississippi [Mr. MULDROW] absolute and unrestricted charge and custody of the respective appropriation bills, we will find our budget very much swollen. However, with that I am not concerned. I do not care whether the power of the Committee on Appropriations be left intact or not. I do not care whether these different committees be given the absolute custody and control of these respective appropriation bills or not.

But this I do mean to say: the Committee on Appropriations is not liable to the criticisms which have been pronounced upon it. It is the only committee of this House that at the conclusion of each session of Congress finds its table cleared of work, and all the service done which has been imposed upon it by the House. I call upon the chairman of any one of the committees of the Forty-fifth Congress to which it is now proposed to send these general appropriation bills, to rise in his place and say, if he can, that when that Congress ended its session the work sent to that committee by order of this House had been completed and its labors finished. The Committee on Appropriations stands alone, of all the committees of this House which ever has any work to do, in completing and finishing that work at each and every session of Congress.

But I will say this: however it may be, if it shall prove to be the pleasure of this House to divide this work, and to distribute these several appropriation bills to the different committees named, then this must address itself to the consideration of this House, to be determined as a question of prudence in legislation: whether it had not better put some limitation, some revisory power, some drag to be applied somewhere, in order to check the natural and inevitable tendency to extravagance and exorbitant disbursements of the public money.

It will not do for gentlemen to tell us, as my friend from Texas [Mr. REAGAN] told us the other day, that it would never be permitted for one committee of this House to be made simply the clerk or amanuensis for another. If that objection be valid, if there be ground or warrant for its presentation, then the House of Representatives is nothing but a clerk to the Senate. While holding absolute power to originate all bills for raising revenue, and by practice holding absolute power in the matter of bills of general appropriation, we are by parity of reason nothing but a clerk to the Senate, to whom we submit our bills after we have drafted them, for revision or amendment.

[Here the hammer fell.]

Mr. MULDROW. I move to amend by striking out the last word of the substitute.

Mr. BLACKBURN. I rise to a parliamentary inquiry. Is it permissible for a gentleman to move to strike out the last word of an amendment or a substitute which he himself has offered, in order to prolong the debate?

The CHAIRMAN. Of course he can move to do so; but it is simply a modification of his own amendment, which he has a right to make; and it is not debatable.

Mr. BLACKBURN. Then, as the time has been fairly divided, I must object to debate by the gentleman on that modification.

Mr. MONEY. I move to amend by striking out the last word of the substitute of my colleague.

I do not see that the Committee on Appropriations can especially plume itself upon completing its work and presenting it to the House. The fact is that this committee is a privileged committee. It keeps this House waiting here two or three months until its bills are prepared. It can report those bills whenever it sees fit; and it can take from this floor any other committee holding the floor even by a special assignment. It has all power to withhold action in this House upon its bills or to hurry action upon them, and to set aside a special or a general order that may have been made in favor of any other committee or any other public business in order that the work of the Committee on Appropriations may take precedence. Is it, then, any credit to this committee, either to its intelligence, its public spirit, its industry, or its enterprise, that it is enabled to perform its work when every other committee, however important its business, is compelled to defer to the Committee on Appropriations?

Mr. KENNA. Will the gentleman allow me to put a question?

Mr. MONEY. Yes, sir.

Mr KENNA. If the bills of which the Committee on Appropriations now has jurisdiction were distributed to the committees named in the proposed amendments, would not the committee in charge of each particular bill enjoy the same privilege and power to put off other measures that the Committee on Appropriations now enjoys? Would there be any difference in the result?

Mr. MONEY. That is not the question I was discussing. I was meeting the claim made by the Committee on Appropriations, through its member who has charge of the report of the Committee on Rules, that the Committee on Appropriations is the only committee of the House that ever finishes its business. I made a conclusive answer.

Mr. BLACKBURN. What was the gentleman's answer?

Mr. MONEY. My answer was that the Committee on Appropriations has the privilege of introducing its work at any time, and to take from the floor of the House any other committee, however important its work, though it may hold the floor by the special or general order of the House.

Mr. BLACKBURN. Yet my question still remains unanswered.

Mr. MONEY. What is the question?

Mr. BLACKBURN. Will the gentleman from Mississippi say, as chairman of one of those committees claiming additional powers, that in the Forty-fifth Congress that committee cleared its table and discharged the work sent to it to do?

Mr. MONEY. If the work of any committee has not been done, it is, as I have stated two or three times, because the floor has been constantly occupied by the Committee on Appropriations.

Mr. Chairman, I heartily indorse the substitute of my colleague. It is no disparagement to the Committee on Appropriations, to their high character, their zeal for the public service, their industry, their intelligence, to say that they are not as competent to report to this House bills on any particular subject as the committee to whose special charge that subject has been given.

Mr. BLACKBURN. I never intimated they were.

Mr. MONEY. The gentleman's modesty, perhaps, forbade such an intimation. I say that the Committee on Post-Offices and Post-Roads, over which I have the honor to preside, is more competent (not by reason of the individual character of any of its members, but by reason of the fact that they are charged solely with the conduct of affairs relating to the Post-Office) to report a bill which shall meet the necessities of the postal service of the whole country than the Committee on Appropriations. I speak of this only as one instance among many. Any of the committees to which the amendment of my colleague proposes to refer particular subjects of appropriation is more competent to prepare appropriation bills on its particular subject of examination than any other committee, I care not what its character or ability. To assume that the Committee on Appropriations, having charge of appropriations for all the various Departments of the Government, is more competent to transact the business for each Department, has more intelligence, more accurate and minute information, higher zeal for the public service than other committees of the House, is a disparagement not only to the intelligence but to the public spirit of other committees. For this reason I heartily support the substitute offered by my colleague.

[Here the hammer fell.]

Mr. MULDROW. Mr. Chairman, the question involved in this substitute offered to the third clause is one of principle and also one of power. In the first place, in my judgment, the principle is that the labors of this House should be distributed among the several committees of the House. The responsibilities of the House should be distributed, the work of the House should be distributed as far as possible, by the Speaker to the several committees, under the direction of the rules of the House.

In the next place, it is one of power. This House should have recognized the fact, it seems to me, that no one committee should be clothed with more power than is found necessary to encompass the public interest. I make no complaint against the action of the Committee on Appropriations. They have done well, we all confess, but still that is no argument that these other committees, to whom this work is assigned, may not also do well. If then, these other committees, which have special charge of these special matters, have, as I conceive they have, the power to understand more thoroughly the various matters of appropriation which come before them, it is proper that they should have charge of reporting those bills to the House and urging the reasons why the appropriations should be made.

Again, sir, it does seem to me that our experience in this House has shown that the former system has been a great drawback upon a majority of the members on this floor, for the reason that in reference to many matters in which they are interested they have not had the opportunity to present them to the House, because the floor has been constantly occupied by the members of the Committee on Appropriations. It is no fault of theirs, but it is the fault of the rules of the House that that work has been assigned to them which ought to have been assigned to other committees, where it could be as well attended to, and in my judgment better attended to, because those other committees are conversant with more facts than are in possession of the Committee on Appropriations. I therefore object to the motion of my friend from Mississippi to strike out any words from the substitute which I have offered. I trust he will withdraw it, and that we shall come to an immediate vote on the proposition.

Mr. GARFIELD. I move to strike out the last word in the amendment of the gentleman from Pennsylvania, an amendment which I think has not yet been made.

The CHAIRMAN. The gentleman is in order and will proceed.

Mr. GARFIELD. Mr. Chairman, since the days when the mother of James and John asked for an important appointment for those two apostles, one on the right hand and the other on the left, when the Master came into His kingdom, until now, the question of who shall be greatest has been one of the most difficult and troublesome which men have ever encountered. And that is really the essence of this question. Men object to the greatness and importance and privileges of the Committee on Appropriations. The Committee on Appropriations do have great privileges and great power, and it is a committee which any man may well have an ambition to serve on. But there is a primacy in the order of things in this House and in Congress which cannot be overlooked. Shakespeare has well said, "Where two men ride of a horse one must ride behind."

A MEMBER. Oh, no; that is Hudibras.

Mr. GARFIELD. If Hudibras said it, it is none the less good; and the necessity of having the appropriations of this Government made, and made only by one responsible group of men, cannot be argued down by any of our ambitions or any of our personal desires. It is a question which stands out impersonally, high above all our little ambitions. It ought to so stand for its relation to the public good, and not for its relation to my ambition or yours.

But I wish to say for the comfort of those who may have any sort of jealousy of the power of the Committee on Appropriations, that it is by no means a one-sided question. I know that no man can do his full duty on the Committee on Appropriations without incurring the risk of becoming one of the most unpopular men in the House. He must tread on the toes of a great many people. He must run counter to the wishes of a large number of good men, as well as of committees. It is anything but an enviable place, although it is a powerful one.

I do say, sir, without the slightest question in my own mind of the truth of the statement, that the scattering of these appropriations as suggested by gentlemen here, will be absolutely breaking down all economy and good order and good management of our finances. It cannot be otherwise.

We know the length of our session depends on the appropriation bills. Whatever other things fail, these must pass. However far into the hot weather of the summer we go, we must go by the pressure of the appropriation bills; and unless we say to one committee take this in charge and make it your chief business, we give you the primacy, we give you the priority, we waive all other things off to carry this through and accomplish it—I say unless we do that, there can be no reasonable end to our session. And there can be no safety to our Treasury. I hope, therefore, gentlemen will not break down the old conservative habits we have thrown around the Committee on Appropriations.

I only regret our friends on the other side are not willing to throw away that clause suggested by the Speaker that has let in so much legislation on the appropriation bills and which, in my judgment, has made this raid on that committee possible. I think if they had no extraneous legislation put on these bills whatever, the jealousy and envy and ill-feeling and antagonism would all have disappeared before now. But it is too late now to remedy that; I suppose possibly it cannot be remedied in this House; but at any rate let us swallow our disappointments and reduce our feeling of hostility, and let the Appropriations Committee stand as it stands in the rule.

Mr. BLACKBURN. Will the gentleman let me ask him a question?

Mr. GARFIELD. Yes, sir.

Mr. BLACKBURN. In order that the House may arrive at a proper understanding of this matter, which has been discussed at length in the light of the long experience the gentleman himself has had serving upon and at the head of that Committee on Appropriations, let me ask whether or not it is not the fact that the great bulk of the work that devolves upon that committee in the matter of the disbursements of the revenue of this Government is not a matter of discretion with the committee at all, but that four-fifths of it, if not more, is made in absolute obedience to the law and without discretion on the part of that committee at all?

Mr. GARFIELD. Yes; considerably more than four-fifths fixed by law.

Mr. COOK. Then why could not any other committee do it if the committee is bound by the law?

Mr. BLACKBURN. The gentleman from Georgia does not rise from his seat to suggest an interruption.

Mr. COOK. Well, I rise now to ask the gentleman, is not every other committee as much bound by the law as the Committee on Appropriations?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SPEER. I wish to move an amendment to the amendment.

The CHAIRMAN. At this time no further amendment is in order.

Mr. BLACKBURN. Amendments to the amendments are now pending, and parliamentary law does not admit of further amendment.

The CHAIRMAN. The gentleman from Pennsylvania has offered an amendment to the original clause, and the gentleman from Mississippi has offered a substitute for the original clause, and there is now pending an amendment to each one of those amendments. That is as far as can be gone under the rules of the House. Until these amendments to the amendments are disposed of in some way no other amendment is in order.

Mr. SPRINGER. I ask for the reading of the pending amendments.

The amendments were read.

Mr. CALKINS. I ask whether there is not pending an amendment to strike out the last word?

The CHAIRMAN. It is pending.

Mr. CALKINS. I desire to be recognized on that amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania [Mr. WRIGHT] who is now on the floor.

Mr. GARFIELD. I am willing to withdraw the amendment striking out the last word.

Mr. TOWNSHEND, of Illinois. I object, as the gentleman from Pennsylvania is on the floor, and we desire to hear him.

Mr. HARRIS, of Virginia. Let me ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. HARRIS, of Virginia. If these amendments be adopted, will they have the effect of passing over the present appropriation bills, now completed or nearly completed, to the new committees to which they have been assigned, and are they to go over the whole work *de novo*, and thus keep us here three or four months longer?

The CHAIRMAN. That is not a parliamentary question.

Mr. HARRIS, of Virginia. If it is not a parliamentary question that will be the effect of the adoption of these amendments to the rules as reported by the Committee on Rules.

Mr. WRIGHT. The gentleman from Ohio, Mr. Chairman, said well when he remarked to this House that the Committee on Appropriations was a committee of immense moment, that stupendous matters were submitted to it for its consideration. Then confine it, with this qualification with regard to its powers, to the legitimate business which would naturally under the rules come before it. Why make it a monopoly?

I concede, as that committee is now composed, it is made up of men of character, of standing, and intelligence. Cannot the same thing be said with regard to other committees, which have under control many matters connected with the Government, which do not now have the power to make appropriations? Those other committees, if this recommendation of the Committee on Rules be carried out, will be merely clerks to the Committee on Appropriations, merely sub-committees to examine subject-matters referred to them. When they spend their time on those subjects to whom do they report? In fact, they report not to the House, but to the Committee on Appropriations. There is no reason for this. If it were the case that there were but thirteen gentlemen who had the qualification to say what amount of money should be appropriated for this branch of the service and what for another, if they had the only intellect in this House for that purpose, there might be some reason for the adoption of such a rule. But, sir, such is not the fact.

I maintain that the standing committees who have charge of the appropriation of the moneys to the Army, the Navy, and the Post-Office Department ought to have those measures come before the Committee of the Whole House upon their recommendation, and that their recommendation should not be in effect made to the Committee on Appropriations.

I said the other day, when I had the floor and was making some remarks on this subject, I would not vote against the adoption of these rules with regard to this one question if it was to affect their passage generally; but I maintain that the power can be more safely placed in the Committee of the Whole House where all may have opportunity for debate and where there is no chairman of a Committee on Appropriations either to move that the committee rise or in the House to call the previous question. The question of the appropriations to be made to the different branches of the Government is one that legitimately belongs to the Committee of the Whole House. It does not belong to any committee selected by the Speaker.

I am in favor of not robbing the Committee on Appropriations of any power that naturally belongs to them; but the fault I find is that they should be the big sponge that is to absorb all subjects connected with the different branches of this Government. There is no principle of national policy in it. It is against the idea of parliamentary law. I do not want to infringe upon a single right that belongs to the Committee on Appropriations, but at the same time I do not want to load them down with the whole legislation of this House upon the subject of appropriations.

[Here the hammer fell.]

Mr. BROWNE rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BROWNE. I desire to make a privileged motion. I move that the committee rise.

Mr. BLACKBURN. I hope the committee will not rise until a vote is had on this amendment.

The CHAIRMAN. The motion is not debatable.

The question being taken on the motion of Mr. BROWNE, there were—ayes 82, noes 71.

Mr. BLACKBURN. I call for tellers.

Tellers were ordered; 32 members voting therefor, being more than one-fifth of a quorum.

The CHAIRMAN. The Chair appoints the gentleman from Kentucky, Mr. BLACKBURN, and the gentleman from Indiana, Mr. BROWNE, to act as tellers.

The committee again divided; and the tellers reported ayes 92.

Mr. BLACKBURN. I do not call for further count.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

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FEBRUARY 2, 1880.

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Mr. BLACKBURN. Mr. Speaker, under the authority of the Committee on Rules I am instructed to move that the House do now resolve itself into the Committee of the Whole on the state of the Union, to proceed with the consideration of the report made by that committee.

The SPEAKER. The gentleman will have to suspend the rules.

Mr. BLACKBURN. I know it is the ruling of the Chair that it will require a suspension of the rules, and now, in obedience to the order of the Committee on Rules, I move to suspend the rules, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of continuing the consideration of the revision of the rules.

Mr. WEAVER. I hope that will be voted down.

Mr. CONGER. Is there any rule for this time regulating the motion to suspend the rules on Monday?

The SPEAKER. There is not; but so much complaint was made at the last session, and as the Committee of the Whole on the state of the Union overruled the plan adopted by the Chair as he thinks, and indicated that the Chair should himself take the responsibility under the rule, the Chair has done so during this session, looking to no list, trusting entirely to himself, and exercising the power the House desired he should exercise in as fair and equitable a manner as he is capable of.

Mr. CONGER. I wish to say this——

Mr. TOWNSHEND, of Illinois. Is debate in order?

The SPEAKER. The gentleman rises to a parliamentary inquiry and the Chair desires to hear him.

Mr. CONGER. I was about to remark as to the decision of the Speaker, that he would first recognize those gentlemen who rise to move a suspension of the rules under instruction from some committee.

The SPEAKER. The Chair thinks that in the case of the chairman of a committee acting under instructions of that committee, that the greater number represented by him should have preference over the request of a single individual for a suspension of the rules.

Mr. CONGER. I wish to say to the Chair under that decision the control of the committees of the House being within the power of the dominant party in this House, it would necessarily follow——

The SPEAKER. The Chair will never do anything of that kind.

Mr. CONGER. I only wish to say that it would necessarily exclude individuals on this side from making any motion to suspend the rules. It would exclude individuals on our side of the House.

The SPEAKER. The Chair so far has recognized no political or party division on either side of the House.

Mr. CONGER. It might shut out this entire side of the House.

The SPEAKER. The Chair will never allow that to be done.

Mr. CONGER. It would exclude this side on political questions.

The SPEAKER. The Chair thinks the gentleman is entirely safe with the present occupant of the chair in that respect.

Mr. CONGER. I have no doubt of that; but there is no committee on this side to order a report, and that is just what I wish to come at. [Laughter.] We never could reach a place where a committee represented as the Chair has suggested would not precede any motion from an individual.

Mr. McMILLIN. The Speaker cannot remedy that. If there be any fault, it is the fault of the people for having elected a majority on this side. [Laughter.]

Mr. GARFIELD. I think the objection of the gentleman from Michigan is a just one in itself, and no doubt the Chair would supplement it with the other rule, which has been adopted, alternating from side to side in recognition of motions to suspend the rules, so that if one political party had been heard in the way suggested, by the report from a committee, the other side should be heard before the same party could be again heard.

The SPEAKER. The Chair will conform to that, and the gentleman from Michigan will observe that every recognition to-day has been by the unanimous wish of a committee of the House. For instance, the Committee on Pensions was recognized, by its chairman, the gentleman from Pennsylvania, to move to suspend the rules and pass a bill coming before the House from that committee by its unanimous recommendation. The gentleman from Texas also submitted a motion to suspend the rules, which also was the unanimous voice of his committee.

Mr. REAGAN. It was.

The SPEAKER. The gentleman from Kentucky, whom the Chair has now recognized, has, by the unanimous request of the Committee on Rules, moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the report from the committee on revision of the rules; so the Chair has been led into no partisan decision as will be seen, and it will be his constant study to avoid any such while here.

Mr. CONGER. I make no such charge.

The SPEAKER. The Chair understands that, but the gentleman is quite right in making the point that he has, because it has given the Chair an opportunity to disavow anything like giving an undue advantage to either side of the House.

Mr. CONGER. I may say that the report in reference to this pension matter was really a report of this side of the House. [Laughter.]

Mr. HOUSE. Then the gentleman ought to be satisfied.

The SPEAKER. The gentleman from Kentucky now moves to suspend the rules in order that the House may resolve itself into the Committee of the Whole on the state of the Union to proceed with the consideration of the report of the Committee on Rules.

The House divided; and there were—ayes 169, noes 25.

Mr. WEAVER demanded tellers.

Tellers were ordered; and Mr. BLACKBURN and Mr. WEAVER were appointed.

The House again divided; and the tellers reported—ayes 135, noes 34.

Mr. WEAVER called for the yeas and nays.

Mr. GILLETTE called for tellers on the yeas and nays.

Tellers were refused; and the yeas and nays were refused.

So the motion of Mr. BLACKBURN was agreed to, two-thirds having voted in favor thereof.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CARLISLE in the chair,) and proceeded to consider the report of the Committee on Rules.

The CHAIRMAN. The first question before the committee is the *pro forma* amendment offered by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I withdraw the *pro forma* amendment.

Mr. YOUNG, of Tennessee. I object. I desire to say a word in reference to the pending amendment.

The CHAIRMAN. The discussion is closed upon that amendment; but immediately after the committee shall have disposed of this amendment now pending, offered by the gentleman from Ohio, another amendment will be in order.

Mr. YOUNG, of Tennessee. The amendment offered by the gentleman from Pennsylvania, which was pending when this subject was under consideration before, has not yet been disposed of.

The CHAIRMAN. It has not.

Mr. MULDROW. I desire to ask information as to the exact status of the questions now pending.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania [Mr. SHALLENBERGER] proposed an amendment to the original text of the report, and thereupon the gentleman from Mississippi proposed a substitute for that text. According to parliamentary practice in this House, and everywhere else, so far as the Chair is informed, the question is first taken upon the proposed amendment to the text, because the friends of the text have the right to perfect it before they can be called upon to vote upon a substitute for it.

The question is first upon the *pro forma* amendment of the gentleman from Ohio to the amendment of the gentleman from Pennsylvania, and, that having been disposed of, the question will then recur upon the amendment of the gentleman from Pennsylvania.

Mr. FINLEY. Let the amendment be read.

The CHAIRMAN. The first question is on a mere *pro forma* amendment to strike out the last word.

The *pro forma* amendment was not agreed to.

Mr. SPEER. I desire to ask if it is now in order to offer a further amendment.

The CHAIRMAN. It is.

Mr. SPEER. Then I offer the following amendment.

The Clerk read as follows:

Provided, That no general legislation shall be incorporated in the appropriation bills by the Committee on Appropriations.

The CHAIRMAN. If that is offered as an amendment to the one offered by the gentleman from Pennsylvania, it is in order.

Mr. SPEER. I offer it as an amendment to the pending amendment.

The CHAIRMAN. This is proposed as a proviso to the pending amendment offered by the gentleman from Pennsylvania.

Mr. SPEER. Mr. Chairman, upon my amendment I desire to offer a few reflections to the House. I regret I had not contemplated that the rules would be taken up this morning, or I should have endeavored to have systematized what I desire to say upon this subject. I think, Mr. Chairman, that one of the most fruitful causes of difficulty under our system of Government is the practice of tacking general legislation on the appropriation bills. It is an illogical thing in itself. An appropriation bill, as its name imports, should be a bill to appropriate money, but for no other purpose.

What is the effect of this legislation? It is, sir, to produce a conflict between the independent and co-ordinate branches of our Government. As every schoolboy knows, there are separate departments, each independent of the other. Sir, this practice destroys that independence. If in the Committee on Appropriations it is thought proper to tack general legislation on the appropriation bills, if the Senate does not agree to that general legislation, or if the President does not see fit to approve it, the appropriation bill will fail, and as a consequence the money necessary to sustain the vast and beautiful structure and fabric of our Government is refused. There is no telling at what time this contingency may arise. There is no telling the alarming consequences which may ensue from it. Public distrust of our securities at home and abroad; breaches of faith on the part of the Government to its employés; the distress of thousands dependent on that good faith for their livelihood; an unprotected frontier; a dismantled Navy; a disbanded Army—these are some of the possible fruits of "riders" of general legislation on the appropriation bills.

Sir, all the parties have been at fault upon this subject. So far as my investigation extends the first time it was done it was done at the instance of the republican party in the year 1856, when a proviso was placed on the Army appropriation bill that the troops should not be used in Kansas. The republican party and the democratic party have followed and adopted that exceedingly bad precedent; and we have at times witnessed emergencies when it seemed that the very existence of the Government was threatened because of a possible failure of the appropriations necessary to sustain it.

Gentlemen have fallen into the mistaken idea that our system is like that of the British Government in regard to the granting or refusing of supplies by Parliament as a means of control over the Crown. That is not true. It cannot be demonstrated logically that a refusal of the necessary means to carry on this Government is a legitimate parliamentary resort. Congress is obliged to vote the money to sustain the judges, to sustain the executive department, to sustain the legislative department, to sustain the Army and Navy, or else the Government goes to pieces. And, sir, this result may be brought about at any time by party feeling if general legislation is permitted to be attached to appropriation bills.

Take one instance. The Constitution of our country declares that the judges shall receive for their services salaries which shall be paid at stated intervals, and which shall not be diminished during their term of office. Now, you tack a rider, as it is called, on the bill to make judicial appropriations. The bill is not passed because of that rider. And what is the effect of it? You do not have the money necessary to pay the judges. They cannot get their monthly payments. The payment of their salaries is postponed. The consequence is you in effect diminish their salaries; you not only deprive the gentlemen who hold those important positions of their vested legal right to their salaries, but you practically cripple and dishonor the judicial department of the Government. It is impossible to conceive all the calamitous consequences which may ensue under our form of government, where Congress votes all the money required to maintain it, if the appropriations should be refused because of this dangerous practice of tacking riders on the appropriation bills.

Mr. FRYE. The gentleman from Kentucky [Mr. BLACKBURN] a day or two since, in the progress of this debate, declared that no committee of this House except the Committee on Appropriations at the close of any given Congress was without business on its table; that the Committee on Appropriations was the only committee which discharged itself from everything on its docket. Now, sir, that probably is true, and yet the statement should not go entirely without challenge. The reason why every committee heretofore has seen Congress adjourn with unfinished business on its table was, that after the first two months of any given session there never was more than one call of the committees, and therefore the business of each committee was compelled to lie unfinished on its table; while the Appropriations Committee, under the same code of rules, had the right to report at any time.

Now, sir, the Committee on Appropriations should undoubtedly have the right to report at any time, because its business is of the first and greatest importance. But that is the reason, and the only reason, that that committee has been able to discharge its duties. Under this report of the Committee on Rules it will have no practical advantage over any other committee in this House. Every committee will be called at least as often as once a week, and I fully believe that the trouble which the gentleman from Kentucky complained of will be entirely cured, and that no committee of the House at the close of a Congress will leave unfinished business on its table. So far the new rules will give all the committees of the House a fair chance.

As regards the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] I did not find it on examination to be so radical and so sweeping as I supposed it to be. I know the gentleman is one of the most conscientious legislators in this House, and I believe he is actuated but by one desire: that is, to promote legislation in the Congress of the United States. But I do sincerely hope that the proposition he makes will not be adopted.

The gentleman from Georgia [Mr. SPEER] has just made a proposition amendatory to that of the gentleman from Pennsylvania. It is that the Appropriations Committee shall have no power of legislation. Now, sir, if that is adopted as an amendment to the proposition of the gentleman from Pennsylvania, it might just as well be a substitute for the proposition of that gentleman; because, that being adopted, the proposition of the gentleman from Pennsylvania is without reason and without necessity.

I ask the gentleman from Georgia to look at page 38 of the report of the Committee on Rules; and I call his attention and the attention of the House to clause 3 of Rule XXI and to the last clause of that clause 3:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

I ask the gentleman from Georgia whether to strike out that last clause will not effect all that he desires to effect; if it will not leave to the Committee on Naval Affairs the right to recommend to this House all laws necessary for the establishment of the Navy; to the Committee on Military Affairs the right to recommend to this House all laws touching the organization of the Army; to the Committee on Foreign Affairs the right to recommend to this House all laws touching foreign matters or matters connected with our diplomatic corps; whether the various committees of this House will not be in a position to recommend to this House all of the legislation coming within the jurisdiction of each particular committee; and if that is not all that the committees of this House desire, if it is not all that the gentleman from Georgia is seeking? If that is the case, I hope the House will not agree to the proposition of the gentleman from Pennsylvania, and that the gentleman from Georgia will withdraw his amendment and offer it again when that section 3 of Rule XXI is reached by moving to strike out the words to which I call his attention.

Mr. RANDALL, (the Speaker) The other day when the gentleman from Pennsylvania on the other side of the House [Mr. WHITE]——

The CHAIRMAN. The Chair would remind the gentleman from Pennsylvania [Mr. RANDALL] that debate has been exhausted on this amendment.

Mr. RANDALL, (the Speaker.) I was going to make a parliamentary suggestion only. It was agreed the other day that the amendment of the gentleman from Pennsylvania [Mr. WHITE] should go over until the third clause of the twenty-first proposed rule should have been reached. The proposition of the gentleman from Georgia [Mr. SPEER] relates to that same clause, and it seems to me that he would act wisely if he would allow his amendment also to go over, reserving until that time every right he is now possessed of.

Mr. SPEER. I desire to state, if I am in order, that what I wish to accomplish is that there shall be an affirmative declaration in the rules that the Committee on Appropriations shall not tack general legislation on the appropriation bills.

The CHAIRMAN. Debate is not in order, but the Chair will recognize the gentleman to respond to the suggestion in relation to the order of proceedings.

Mr. SPEER. I understand that debate is not in order. At the suggestion, however, of the distinguished chairman of the Committee on Rules [the Speaker] I will withdraw my amendment, reserving my right to offer it when the third clause of Rule XXI shall have been reached.

Mr. ACKLEN. I desire to offer as a proviso to the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and as an amendment to the substitute of the gentleman from Mississippi, [Mr. MULDROW,] that which I send to the Clerk's desk.

The CHAIRMAN. That is not in order.

Mr. ACKLEN. I offer it as an amendment to the substitute.

The CHAIRMAN. There is already pending an amendment to the substitute.

Mr. ACKLEN. I understood that that was withdrawn.

The CHAIRMAN. The amendment which was withdrawn was one to the proposed amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

Mr. ACKLEN. Then I offer this as an amendment in place of the one which has been withdrawn.

Mr. FRYE. Do I understand the gentleman from Pennsylvania [Mr. RANDALL] to assert that the amendment of the other gentleman from Pennsylvania [Mr. SHALLENBERGER] was by agreement allowed to go over?

The CHAIRMAN. The Chair understood that that was a different amendment.

Mr. RANDALL, (the Speaker.) I alluded to the amendment of the gentleman from Pennsylvania, Mr. WHITE.

Mr. FINLEY. It was also understood that the amendment of the gentleman from Georgia [Mr. SPEER] went over with the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. That amendment was withdrawn.

Mr. ACKLEN. I think there is a misunderstanding. I was not under the impression that the amendment of the gentleman from Pennsylvania [Mr. SHALLENBERGER] had been withdrawn.

The CHAIRMAN. It is not withdrawn.

Mr. ACKLEN. Then let the amendment which I offer be attached to that as an amendment.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and which was pending when the Committee of the Whole last had this subject under consideration, is still pending.

Mr. ACKLEN. And to that I offer an amendment.

The CHAIRMAN. Several days before that a gentleman from Pennsylvania offered an amendment, which was withdrawn for the time being.

Mr. CLYMER. The gentleman from Pennsylvania [Mr. WHITE] offered an amendment, which was withdrawn.

Mr. ACKLEN. It is to the amendment of the gentleman from Pennsylvania [Mr. SHALLENBERGER] that I desire to offer my amendment.

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. An amendment to the amendment of the gentleman from Pennsylvania [Mr. SHALLENBERGER] is not now in order, for the reason that there are already two amendments pending thereto. At the time the committee rose on Thursday last the proposition then pending for action was the substitute offered by the gentleman from Mississippi, [Mr. MULDROW.]

The CHAIRMAN. The gentleman is mistaken.

Mr. TOWNSHEND, of Illinois. I will be glad to be corrected.

The CHAIRMAN. At the time the committee rose there was an amendment pending proposed by the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and an amendment to that amendment proposed by the gentleman from Ohio, [Mr. GARFIELD.] There was also pending an amendment in the nature of a substitute, proposed by the gentleman from Mississippi, [Mr. MULDROW,] and there was pending an amendment to that substitute. This morning the amendment proposed by the gentlemen from Ohio [Mr. GARFIELD] to the amendment offered by the gentleman from Pennsylvania [Mr. SHALLENBERGER] has been disposed of by the committee. The gentlemen from Louisiana [Mr. ACKLEN] now proposes an amendment to the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] which is in order.

Mr. MULDROW. I would like to inquire what was the amendment which was pending to the substitute which I offered.

The CHAIRMAN. A *pro forma* amendment, to strike out the last word.

Mr. ACKLEN. I ask that my amendment to the amendment be read.

The Clerk read as follows:

Provided, This shall not be construed to include the river and harbor bill, which the Committee on Commerce shall have power to report at any time to the House for consideration.

Mr. ACKLEN. Under the amendment offered by the gentleman from Pennsylvania [Mr. SHALLENBERGER] the different appropriation bills coming from the various committees are to be reported first to the House and then committed to the Committee on Appropriations. The Committee on Appropriations is then to report those bills back, modified as it may see fit, changed as it may deem necessary, and the bills are then to be left for some member of the Committee on Appropriations to take charge of.

Now, I do not deem it necessary to state what I have already stated to this committee, that I do not think the river and harbor appropriation bill should come under the same construction of the rules as the other general appropriation bills. It is an anomalous bill. It is not a bill that can be properly referred to the Committee on Appropriations for consideration. When the Committee on Commerce shall have matured and perfected that bill, after long months of consideration of the various reports of the Engineer Department, the Committee on Appropriations cannot possibly take the time to consider that bill with any degree of care and accuracy, or with any degree of proper attention to the interests and welfare of the Government. They may cut off appropriations; they may reduce the sum total of the bill; but in so doing they may work such injury to the general interests of the Government as will more than counterbalance the reduction of expenditure.

Under the circumstances, I think that, should it be the sense of this committee to adopt the amendment suggested by the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and I am frank to say that, after careful consideration of that amendment, I am rather favorably impressed with it—they should adopt a proviso, that so far as the amendment affects the general appropriation bills it shall not include the special bill known as the river and harbor bill; for this is an anomalous bill and cannot properly come under the same rule which it is proposed to apply to the other bills.

Mr. SHALLENBERGER. Will the gentleman allow me a question?

Mr. ACKLEN. Certainly.

Mr. SHALLENBERGER. Will not the question which the gentleman is now discussing come up appropriately upon clause 7? It seems to me the precise point which the gentleman is seeking to cover will be brought up upon clause 7 by the amendment which the gentleman from Texas [Mr. REAGAN] proposes to offer. As I understand, this is not the time or place to bring up that discussion. My amendment suggests nothing whatever in reference to the river and harbor appropriation bill or the jurisdiction of the Committee on Commerce. That question can be appropriately acted upon, and the Committee on Commerce can be excepted from the operation of my amendment when we come to consider clause 7, if such be the desire of the Committee of the Whole.

Mr. ACKLEN. All that the gentleman says is very true, if it shall be deemed that the river and harbor bill is not one of the general appropriation bills. But in order to prevent any possible misconstruction of the rule in this respect I desire that the good faith of gentlemen who support the amendment of the gentleman from Pennsylvania shall be shown in adopting this proviso. Therefore I have offered it.

[Here the hammer fell.]

Mr. YOUNG, of Tennessee. Mr. Chairman, I had not intended, until the proposed amendment of the gentleman from Pennsylvania [Mr.

SHALLENBERGER] was submitted, to take any part in this protracted discussion, for I am conscious that I am not so profoundly learned in parliamentary law and practice as to give any very great value to my opinions and judgment upon subjects so intricate and difficult of comprehension. I should, therefore, have withheld the views which I propose to submit did I not conceive that two most important questions are involved in this amendment and one or two others of a somewhat similar character which have been offered, together with the discussion which has followed. The one is the proposition to withdraw almost entirely from the Committee on Appropriations the supervision and guardianship which it has always by law exercised over the expenditures of the Government. And the other is the proposition to limit in some measure the almost absolute and aggressive power which that committee has heretofore possessed, and sometimes, I think, exercised to control legislation upon the floor of the House.

These questions are both important, but widely different in their character, and require, in my judgment, a very different action by the House. The former proposition is fraught with the extremest danger to the public interest, and ought to be rejected, while the latter is eminently just and proper and should be promptly accepted and adopted.

There are, I think, few members of this House who have had more cause, real or imaginary, of complaint against the Committee on Appropriations than I have had, though I am glad to number every member of it among my personal friends; and few members, I presume, are more willing than I am to curtail and impose every restraint upon that absolute dominion which has heretofore been allowed it in the management and direction of public legislation upon the floor of this House, yet I would not do this at the peril of the public interest. I know, sir, whenever we relax that rigid grasp which the Appropriations Committee can alone keep upon the purse-strings of the Government, whenever we wrest from it the key of the national Treasury, we will at once enter upon a vast field of public expenditure that has no bounds, and embark upon a turbid ocean of public extravagance which will soon swallow up our entire public resources.

The tendency of all governments is to extravagance in their administration, as they advance in age and increase in power, extent, and wealth; and ours, without the wisest legislation and most watchful care, will, I fear, prove no stronger or more fortunate in this respect than others, and especially is this apprehension well founded in view of the fact that a large public sentiment in very many sections demands a liberal disbursement of public moneys, and the whole country is wont to look with indifference upon public extravagance. The annual cost of administering our Government has already reached a magnitude alarming to the more thoughtful of our people, and unless every proper restraint is imposed it will increase in a ratio greatly disproportioned to our legitimate public needs. In order that this restraint may be exercised wisely, uniformly, and efficiently, and that all our public expenditures may be always subject to the scrutiny and supervision of some committee charged with that special duty, I would let the Appropriations Committee retain that power, under the control of the House. I would let that committee examine and revise the estimates and details of every bill making an appropriation of public money, compare the demands of the different bills, add to or take from them any amount deemed proper, and apportion properly the aggregate sum asked for in all of them, and then submit, through its members, its views to the House for action. Beyond this I would not allow it to go; certainly not to the extent it has heretofore gone, of excluding every other committee from the floor whenever it saw proper to do so, and granting the privilege of discussion according to the preferences or caprices of its members.

I protest against the longer continuance of this arbitrary and despotic sway, and hence I urge the adoption of this amendment as the most efficient and least harmful method that now occurs to me, of opposing and battling against it. This does not invite extravagance or tend to increase expenditures, nor does it in any other way endanger the public interest, but on the contrary, as I think, it provides additional safeguards against the very evils it is thought it is calculated to bring about; for by the arrangement which it proposes every committee of the House will feel something of the high responsibility which attaches to the Committee on Appropriations, and, besides this, it would disarm a good deal of that hostility which is too often manifested toward it. And a still stronger reason why this amendment should be adopted is found in the fact that it would more equally and more justly distribute the privileges of debate, and relieve in some measure many members from a disadvantage under which they have heretofore labored, and give them an opportunity of being heard sometimes in discussion, without begging that favor from others. Parliamentary law is tyrannical at best, and anything we can do, compatible with the public interest, to divest it as far as possible of this feature, should be done.

It has very often occurred to me that the rules governing this House constitute a labyrinth of parliamentary difficulties in which a new or modest member may remain lost to the ear of his constituents and the country during his entire official life, and from which he can never emerge, save by the friendly aid of the presiding officer. Sometimes it has seemed to me that they must have been designed to and did form as a whole a network of mysteries, interwoven with absurd technicalities and legal contradictions, which can alone be interpreted and understood by whoever chances to occupy the chair, and under cover of which such occupant may strike down every one he chooses, and hold in absolute dependence to his will the representative right of every member on this floor to be heard whenever he chooses to speak upon any subject of legislation.

No law-giver or legislative body ever formed a code or system of laws which was calculated to bestow upon any one man more enlarged, absolute, and despotic power than is conferred by our rules as they formerly existed, so far as they may extend upon the Speaker of this House, or any one else who may preside in his place; for by a recent interpretation of them by the Committee on Rules, and by the House after considerable discussion, it was declared that he could in his own absolute official discretion say who should and who should not speak upon this floor.

In that discussion it was said, and very truly too, by the distinguished gentleman from Ohio, [Mr. GARFIELD,] that the presiding officer must necessarily be invested with a very enlarged discretion in the recognition of members who desire to speak upon any question, but the power allowed him under the construction that seemed to be agreed upon by the House then can scarcely be called a discretion, even of the utmost latitude; it can be called nothing less than an absolute and irresponsible despotism.

If an autocrat had prepared these rules for his government, to be construed and applied by himself, he could not thus have retained in his own hands greater power, short of confiscation of property or taking of liberty and life, than is given to the Speaker of the House and the chairman of the Committee of the Whole House. It is not therefore surprising that rules thus constructed must necessarily have fallen very far short of giving entire or even partial satisfaction to a majority of members, and however fairly and justly the presiding officer may have endeavored to apply them, many abuses would of course spring up and great injustice in many individual cases be inflicted.

Upon the discussion of every important question it is only natural and reasonable that many members desire to give expression to the views which they may entertain. But it is not possible for a presiding officer to give recognition at the same moment of time to every member who may seek it, nor perhaps is it possible on all occasions for him to recognize within the entire time prescribed for debate upon any particular measure every one who desires to speak upon it. It would seem, however, that it is possible, and eminently just, too, for every member of the House who wishes it to be heard some time during a whole session. And it also seems to me possible for that time to be known and designated with sufficient certainty to prevent its exclusion from that class of events, the occurrence of which no human wisdom can fortell. Many methods by which it was thought a fairer and juster application of the rules in the respect of which I have been speaking could be brought about have been suggested, and some of them have been adopted and acted upon for a time; but they all seem to have been abandoned, and we are back again at the discretion of the Speaker.

Once it seemed to be the rule for gentlemen on most occasions to be recognized by the Speaker from the right around to the left, as they respectively arose. This usage had its difficulties and inconveniences, and did not long survive. Then the custom was adopted of allowing members who wished to be recognized to enter their names upon a list kept at the Speaker's desk, and to obtain the floor as their names were reached. This arrangement seemed at first to be as fair and just a one as could be made, but it was very soon made manifest that there were some grave objections which might be urged against it with great force. Sometimes it appeared that the making up of the list stimulated a race diligence, and that certain gentlemen, by reason of their superior industry, strict attention to business, or good fortune, invariably succeeded in getting their names entered high up on the list; or, failing by any chance to do this, there was generally found some friendly hand which, by the simple process of interlineation, made their names appear at any desired point on the list.

And then, again, when these methods failed to give entire satisfaction, by reason of some gentleman who may have been number 90 in the preparation of the list being made number 2 or 3 by the interlining dodge, complaint was made, the old list was canceled and a new one made out; then would follow such an unseemly and indecorous scramble to reach the Clerk's desk first as might reasonably give rise to the apprehension that members of Congress are, in moments of temporary excitement, liable to forget the dignity of the body and the proprieties which should attach to the transaction of its public business.

So this expedient was abandoned, and on a recent occasion all written lists were destroyed and a mental one prepared by the chairman of the Committee of the Whole to suit himself, which was kept in his mind during a protracted debate. As it is said that a judicial judgment or decree remains in the breast of the court until pronounced, so I suppose it may be said that the chairman on the occasion referred to kept his list of speakers in his breast, as it was not visible anywhere else.

During the recent exciting and important debate upon the Army and the executive, legislative, and judicial appropriation bills at the late extra session the system of unlimited discretion to the Speaker, which

we seem to have adopted, operated most unjustly and unequally, not only as to individual members, but in respect to sections and States, which has been the subject of much very just complaint.

My own experience in an effort to get the floor during that debate, together with some other incidents which I shall mention, will perhaps enforce my argument against the longer continuance of the despotic rule I have referred to quite as strongly as any other illustrations which I could select.

While the Army bill was under discussion, and while I was confined to my room by a severe illness, a member on the other side took occasion to refer to me, and the means by which he alleged I secured a seat upon this floor, in a manner exceedingly unjust, not to say offensive to me, and without the warrant of a single fact by which such a statement could be justified. When I saw this attack upon me printed in the RECORD the day after it was made, I of course felt called upon to reply to it, and determined to seek the first opportunity to do so. Accordingly, as soon as my health permitted me to leave my room and some days before the executive, legislative, and judicial bill had been reported to the House, I appealed to the courtesy of my colleague, the chairman of the Committee on Appropriations, to give me a few minutes of the time, to which he as mover of the bill was entitled, in which to make such reply as I could, but unfortunately I had been forestalled, as he informed me, even at that early day by other gentlemen to whom he had given all the time allowed him. I next had recourse to enrolling my name upon the list of those who desired to speak, then kept at the Speaker's stand, in the hope that I might be reached some time in the progress of the debate, though I was rather far down toward the end of the list, but this hope was destroyed by the destruction of the list.

I then resorted to an appeal to the "discretion" of the chairman of the Committee of the Whole House, informing him in detail of the particular reasons why I desired to speak, and requested him to exercise his "discretion" in recognizing me for a short time at some convenient period of the discussion; but he informed me that his discretion had reached its utmost limit in that direction, though I believe it did afterward become sufficiently elastic to embrace several other gentlemen who made application some time later.

Failing in every other effort to secure the floor, I sought it through the kindness of a number of friends, who I thought might possibly in some way or other be fortunate enough to find more favor in the discretion of the chairman than I had been able to obtain; but unfortunately I met disappointment again, for I found that all my friends with whom my relations were such as to render it proper for me to ask so friendly an act at their hands, like myself, had been omitted from the list of speakers mentally prepared by the chairman.

My individual grievance is a matter of no concern to the House, only in so far as it may occur to every other member as well under the operation of the same rule. I had thought it was a parliamentary courtesy of uniform observance in every legislative body that whenever a personal attack was made upon a member in public debate the member so attacked should be accorded the floor to reply; but in my case this particular character of parliamentary courtesy was not considered one of the elements proper to limit or direct the somewhat extraordinary discretion with which we had at that time clothed our parliamentary autocrats. I was also informed that there was a general understanding and agreement by which those who had not spoken upon the Army bill should be recognized in preference to those who had. But this rule was not observed any more than the other supposed requirement I have mentioned.

An examination of the list of those who addressed the House upon the executive, legislative, and judicial bill at the last session shows a very striking preponderance of speakers from some States over others. The following figures represent about the number of members from each State who spoke upon this bill:

One each from the States of Arkansas, Oregon, Minnesota, New Hampshire, Maryland, Maine, New Jersey, and Michigan. Three from Massachusetts, two from Alabama, four from North Carolina and New York, three from Louisiana, two from Illinois, five from Ohio and Iowa each, six from Indiana, three from Mississippi, three from Wisconsin, six from Missouri, ten from Pennsylvania, and five from Kentucky, while only one member from Tennessee (though there were three members from that State who desired to speak) was fortunate enough to be heard.

The chosen one from my own State is one of the cleverest as well as ablest of our delegation, but, with the exception of myself, he is also the most modest of our members, and I can no more account for his good fortune than I can for the accident of the favor shown Tennessee being increased ten for Pennsylvania and five fold for Kentucky.

It is not at all impossible that there is more talking done in Congress upon every measure of legislation than is absolutely necessary for the prompt and intelligent transaction of public business, and more, too, than is desired by the people we represent; but neither members nor their constituents are entirely willing that the will of one single individual shall control the whole matter.

Now, in what I have said I distinctly disclaim the purpose of reflecting in the slightest degree upon any gentleman who has ever occupied the chair either as Speaker or chairman of the Committee of the Whole House. I am not condemning nay presiding officer, but simply denouncing a vicious and tyrannical rule, under which it is scarcely possible for any one occupying the chair, however fair and just he may desire to be, to avoid many abuses and to abstain from many partial and unjust rulings.

It is therefore to relieve the presiding officer from embarrassment and the ungracious task of discriminating between those having equal rights upon the floor and equal claims upon his country that I urge some change in our rules, as well as for the purpose of relieving members from the humiliation and loss of self-respect which must come from being obliged to fawn upon whoever may chance to be in the chair in order to propitiate his favor.

Perhaps the method which I suggest is not the best one to cure the evil complained of, but if it is not I have no doubt but that the wisdom of the Committee on Rules will devise a better and more effectual one, and I commend the subject to their immediate and careful consideration before their report now under discussion shall be finally acted upon. It is possible that much of what I have said might have been omitted as not being strictly germane to the particular subject upon which I arose to speak, but in the hasty examination which I have made of the revision of the rules which we are now considering, to say whether or not the evils of which I have spoken have been provided against.

If they have not, they will almost certainly be continually presenting themselves again to vex and harass those who have heretofore suffered from their existence. But, however this may be, it is certain to my mind that the adoption of the amendment offered by the gentleman from Pennsylvania, and upon the adoption of which I am insisting, will relieve us from evils almost as great and quite as unnecessary as those which have heretofore been inflicted under the arbitrary and untrammeled power possessed by the Speaker or other presiding officer, for the powers and prerogatives which it is proposed to accord to the Committee on Appropriations, under the new rules, are quite as broad and despotic. These we can limit at best to such an extent as not to have the powers of every other committee and every member of the House at the mercy and unbridled discretion of the Committee on Appropriations, so that we will at least impose some restraint upon one despotism, if we do have to submit to another. I desire again to say that I am not complaining of any one who has ever on any occasion occupied the chair of the presiding officer. I am only denouncing a tyrannical and despotic system of rules, under which the greatest wrongs may be perpetrated.

Mr. BLACKBURN. I wish to offer a *pro forma* amendment.

The CHAIRMAN. No further amendment is in order until one of those now pending has been disposed of.

Mr. BLACKBURN. Then I am glad to have a vote.

The question recurred on Mr. ACKLEN'S amendment to the amendment.

The committee divided; and there were—ayes 53, noes 79.

So the amendment to the amendment was disagreed to.

The question recurred on Mr. SHALLENBERGER'S amendment.

Mr. REED. I move to strike out the last word.

Mr. REAGAN. The question is first on the substitute.

The CHAIRMAN. The Chair has stated the rule to be, and he believes it universal, that where a substitute is proposed for the original text, the original text must be first perfected before the vote is taken on the substitute. The gentleman from Maine moves to strike out the last word, an amendment which has already been made and rejected by the committee.

Mr. REED. I move to strike out the word before the last.

Mr. CHALMERS. I rise to a parliamentary inquiry, and that is whether the *pro forma* amendments cannot be stopped by being objected to?

Mr. REED. I move to strike out the word before the last; not the last word, but the word before the last—an amendment of which I am the originator. [Laughter.]

The CHAIRMAN. The gentleman moves to strike out a different word, and is in order.

Mr. REED. I desire by striking out that word, or by the aid of it, to call the attention of the House to what to me seems to be the purpose we wish to arrive at, if we can. Our object, if I understand it, is to prevent legislation on the appropriation bills. Now, the amendment which was suggested by the gentleman from Georgia, [Mr. SPEER,] and I ask his attention to it, only provides that the Committee on Appropriations shall not introduce any legislation into their bills. The difficulty we have had to contend with is not that the Committee on Appropriations alone introduced legislation, but that every member of the House was entitled to introduce legislation if he could convince the temporary chairman that it was a reduction of expenditures, and sometimes I have noticed temporary chairmen were very easily convinced. If we succeed in making the modification suggested by my colleague, namely, the striking out of the exception to a subsequent rule, we shall have arrived at this state of affairs in this House—that is, no amendment can be offered to an appropriation bill which is not already provided for by existing law; no amendment can be made by anybody, and therefore no legislation can go on the appropriation bills

except by unanimous consent. Hence, unless we have unanimous consent, all legislation will have to be passed upon by appropriate committees.

I hope, therefore, we shall vote against this amendment in order to reach the proposition suggested by my colleague, which, in my judgment, will rid the appropriation bills of very objectionable features. I call attention to it now because I think the matter cannot be too often presented to the House. I am satisfied that when the House once understands the situation of things it will do away with a provision which, however useful and valuable when presented, has long ceased to be anything else than an obstruction to the business of the House.

Mr. REED'S amendment to the amendment was rejected.

Mr. BLACKBURN. Mr. Chairman, before the vote is taken on the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] I wish to know whether he will not offer an amendment to it regulating the right of the Committee on Appropriations in the matter of the division of time in the discussion of bills which may be referred to that committee and reported back to the House. No one can know what the vote of the House will be, and, if the amendment offered by the gentleman from Pennsylvania is to be adopted, I am satisfied there is not a gentleman who would not give at least a fair division of time, an equal opportunity to be heard, parceling it out equally between the two committees, which would then be before the House on trial with their several reports.

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Mr. BLACKBURN. I move the following amendment to the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

The Clerk read as follows:

But in the debate on such bill, it shall be divided equally between the committee having charge of such bill and the Committee on Appropriations.

Mr. RANDALL, (the Speaker.) I ask for a division on that amendment, as there are two substantive propositions.

The CHAIRMAN. The amendment will be again read.

The amendment to the amendment was again read.

Mr. RANDALL, (the Speaker.) I desire to vote separately on it. While there may be objection to the former——

The CHAIRMAN. As the question is on the adoption of that proposition as an amendment to the amendment of the gentleman from Pennsylvania, of course there will be a separate vote on it.

Mr. BLACKBURN. I do not understand the gentleman wants a division of my amendment, but a vote on that amendment.

Mr. RANDALL, (the Speaker.) The Committee on Rules has never instructed in favor of that amendment, but it is offered——

Mr. BLACKBURN. It is offered by me in my individual capacity.

Mr. RANDALL, (the Speaker.) I have no serious objection if it shall come in in the right place; but supposing that to be adopted, then the question will be on the amendment of the gentleman from Pennsylvania as amended.

The CHAIRMAN. Certainly.

Mr. RANDALL, (the Speaker.) And the whole might then be voted down, while on a separate vote only one might be rejected.

The CHAIRMAN. Of course if the amendment to the amendment is adopted the vote then comes upon the amendment as amended, but if it be voted down all will be voted down.

Mr. BLACKBURN. I will solve the trouble. I want to get a vote on the amendment of the gentleman from Pennsylvania. I did not, however, wish to adopt that amendment and leave to one committee of the House all rights in the matter of debate and time, and to the other, which was equally responsible before the House, none at all. Thinking we had better have the vote, as we have discussed this question enough, I will withdraw my amendment to the amendment for the time, and let the vote be taken on the amendment of the gentleman from Pennsylvania.

Mr. YOUNG, of Tennessee. I renew the amendment to the amendment.

Mr. BLACKBURN. I wish to say to the gentleman that he need not be uneasy, for if the amendment of the gentleman from Pennsylvania be voted down I will then offer this amendment.

Mr. YOUNG, of Tennessee. I wish to say a few words for fear the amendment of the gentleman from Pennsylvania will not be adopted.

Mr. BLACKBURN. You can offer it again as an independent proposition.

Mr. TOWNSHEND, of Illinois. Has not the debate been exhausted?

The CHAIRMAN. Not on the amendment which has been renewed, the gentleman from Kentucky having withdrawn it.

Mr. BLACKBURN. I do not understand the gentleman from Tennessee insists on renewing my amendment.

Mr. YOUNG, of Tennessee. I withdraw it.

The question recurred on Mr. SHALLENBERGER'S amendment.

Mr. FRYE. This is an important amendment, and therefore I demand tellers.

Tellers were ordered; and Mr. SHALLENBERGER and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 72, noes 90.

So the amendment was rejected.

The question next recurred upon a *pro forma* amendment to Mr. MULDROW'S substitute.

The amendment to the amendment was rejected.

The question recurred on Mr. MULDROW'S substitute.

The committee divided; and there were—ayes 24, noes 83.

So the amendment was rejected.

Mr. MONEY. I offer the following amendment.

The Clerk read as follows:

In debate on appropriation bills the time shall be divided equally between the Appropriations Committee and the committee in charge of general legislation upon the particular public service for which the proposed appropriation is reported.

Mr. GARFIELD. What about the other members who do not belong to either? What about their rights?

Mr. MONEY. I do not suppose they will have any less power than they have now.

Mr. GARFIELD. That will give no time but to two committees.

Mr. MONEY. I suppose other members of the House will have as much privilege then as they have under the present rule, when the committee consumes the whole time.

The committee divided; and the amendment was rejected, 16 only voting in the affirmative.

Mr. BAYNE. I move the following amendment:

Amend clause 3 by adding the words "and the several appropriation bills, when reported to the House by the committees in which the originated, shall be referred to the Committee on Appropriations, to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it, and upon its passage, and the time shall be equally divided between such committee and the Committee on Appropriations."

Mr. CLYMER. Both these propositions have been voted down.

Mr. BAYNE. No, sir; both propositions have not been voted down.

The CHAIRMAN. The gentleman is mistaken in saying they have been voted down. The gentleman from Kentucky offered an amendment, but withdrew it. This differs from the amendment offered by the gentleman from Pennsylvania, as it contains on its face also the amendment offered by the gentleman from Kentucky.

Mr. ROBESON. I would like to ask the gentleman whether it means that the time shall be equally divided between the committees or whether the two committees shall have equal right of discussion, leaving the rest of the House to their rights.

Mr. BAYNE. I mean the two committees shall have equal right.

Mr. ROBESON. Because the proposition, as I understand it, gives the whole time to the two committees.

Mr. BAYNE. No, sir; it is not intended to give the whole time to two committees.

Under our present system of rules one committee does monopolize the discussion on this floor when appropriation bills come up. That is an observation which will occur to every man who has carefully noticed the course of legislation in this House upon such subjects.

The amendment desires simply to effect this purpose—that other gentlemen and other committees may have equal opportunities with the Committee on Appropriations to discuss these measures. If that amendment should be adopted it is apparent the Committee on Appropriations will still have one-half of the time devoted to the discussion of every proposition that emanates from every committee of this House which makes appropriations. It will still have an opportunity of monopolizing the floor to a large extent.

Mr. BROWNE. Will not your proposition lead to extravagance if you allow other committees to divide the discusssion of appropriation bills with the Committee on Appropriations?

Mr. BAYNE. That, Mr. Chairman, is a reflection on the other committees which I am not willing to concede. I am disposed to think that the other committees, the Committes on the Post-Office and Post-Roads, the Committee on Naval Affairs, the Committee on Military Affairs, and others, have just as economical views as the Committee on Appropriations. But I cannot, for my part, see why one committee should monopolize legislation in this House, having the power to exclude amendments offered by any member of the House. I am in favor of dividing this thing up; and this amendment gives to other committees the right to share with that committee to the extent of one-half of its privileges in this respect.

The question being taken on Mr. BAYNE'S amendment, there were—ayes 35, noes 90.

So (further count not being called for) the amendment was not agreed to.

Mr. ANDERSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to clause 3 the following:
And when bills are reported by said committee it shall only be entitled to one-half the time allowed for discussion.

The question being taken, there were—ayes 54, noes 70.

So (further count not being called for) the amendment was not agreed to.

The Clerk resumed the reading of Rule XI, and read the following:

4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;
5. To banking and currency: to the Committee on Banking and Currency;
6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;
7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations.]

Mr. REAGAN. By instructions of the Committee on Commerce, I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend clause 7 of Rule XI by striking out the words "but they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations," and insert in lieu thereof the following: "and the Committee on Commerce shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills."

[Cries of "Vote!" "Vote!"]

Mr. REAGAN. I desire to say just one word. What is proposed to be inserted there is the rule of the House now. We simply propose to put into these rules what was adopted by the action of the House on the 9th of April.

Mr. DAVIS, of North Carolina. I offer as a substitute for the amendment of the gentleman from Texas what I send to the desk.

The Clerk read as follows:

Amend clause 7 by striking out all after the word "committee," in the last line, and inserting the words "of the whole House."

Mr. DAVIS, of North Carolina. I desire to say just one word in regard to the substitute I have offered. If it be adopted the Committee on Commerce will then have the preparation of the river and harbor bill, as has been the custom; and when reported it will go directly to the Committee of the Whole House for consideration instead of to the Committee on Appropriations. I wish to bear testimony for one to the fidelity with which that committee has discharged its duties; but I think that other committees of this House also have discharged their duties well and faithfully.

The question being taken on the substitute for the amendment, there were—ayes 30, noes 97.

So (further count not being called for) the substitute for the amendment was not agreed to.

The CHAIRMAN. The question recurs on the adoption of the amendment offered by the gentleman from Texas, [Mr. REAGAN.]

Mr. HOUSE. Let that amendment be again reported.

The amendment was again read.

Mr. BROWNE. I desire to make a parliamentary inquiry. May there not be a division of the question so that it shall be taken first on the motion to strike out?

The CHAIRMAN. Under the rules of the House a motion to strike out and insert is not divisible.

Mr. FINLEY. I ask that the vote be taken by tellers.

Tellers were ordered, 34 members voting therefor; more than one-fifth of a quorum.

The committee divided; and the tellers reported—ayes 110, noes 40.

So Mr. REAGAN's amendment was agreed to.

Mr. MITCHELL. I offer the following amendment:

Add at the end of the amendment just adopted the following:
But the river and harbor bill shall never be passed by suspension of the rules.

Mr. BLACKBURN. If the gentleman from Pennsylvania will yield to me I will now move that the committee rise.

Mr. KENNA. Let us vote first on the amendment.

Mr. MARTIN, of Delaware. Let it be again reported.

Mr. MITCHELL. I understand the gentleman from Kentucky [Mr. BLACKBURN] proposes to move that the committee do now rise. If so I withdraw the amendment, as it appears not to be acceptable.

The CHAIRMAN. The amendment is withdrawn.

Mr. BLACKBURN. As it is evident there are many amendments to be offered to this rule, and as the House is to meet again at half past seven, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

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FEBRUARY 3, 1880.

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Mr. BLACKBURN. I now move that the rules be suspended and that the House resolve itself into Committee of the Whole for the further consideration of the proposed revision of the rules reported from the Committee on Rules. Pending that motion, I move that all debate upon the proposed Rule No. XI, now under consideration, and all amendments thereto, be limited to ten minutes.

Mr. SHALLENBERGER. I hope the gentleman will permit me to offer an amendment to that motion.

Mr. MCMAHON. Should not the motion be limited to pending amendments?

Mr. CONGER. I ask the gentleman to confine his motion to the paragraph of the rule under consideration, not to apply it to the whole rule.

Mr. BLACKBURN. There are forty-seven paragraphs in Rule XI. If it shall be not the pleasure of the majority of the House to close debate and proceed to vote upon these rules, I shall be content. But it does seem to me that after we have had one month's debate upon these rules, we might at least be content with an hour or two of debate on each rule. We certainly have had that much debate upon Rule XI. The members of the Committee on Rules do not desire to discuss that rule any further.

Mr. SHALLENBERGER. By the unanimous instruction of my committee, the Committee on Public Buildings and Grounds, I desire to offer an amendment to one clause of Rule XI.

Mr. BLACKBURN. My motion, if adopted, will not cut off amendments. It will simply cut off debate.

The SPEAKER. The question is upon the motion to limit the debate upon Rule XI, and upon all amendments thereto, to ten minutes.

Mr. CHALMERS. Cannot that be divided?

Mr. CONGER. If the object is to have any debate on the different paragraphs of each rule, there is as much necessity for debate on the paragraphs which have not yet been reached as there was upon any which we have acted upon. I object to the motion to limit debate.

Mr. BLACKBURN. I have made the motion in deference to requests from members on both sides of the House.

Mr. SHALLENBERGER. I would suggest to the gentleman to make his motion to limit debate to ten minutes on each clause.

Mr. BLACKBURN. There are forty-seven clauses of Rule XI, and if ten minutes' time is allowed for debate on each clause, by the aid of a little mathematical calculation gentlemen will see that it will require one week to dispose of that one rule.

Mr. HAWLEY. Not more than one clause in ten will be debated.

Mr. LAPHAM. Let the proposition be made so as to apply to such clauses as amendments may be offered to.

Mr. BLACKBURN. If my motion is agreed to, it will not cut off amendments; it will only require members to vote upon the amendments without discussing them.

Mr. SHALLENBERGER. May I ask the gentleman whether, in case any clause of Rule XI shall be debated before clause 19 is reached, will not all debate upon clause 19 be prevented provided ten minutes has been occupied in debating any previous clause?

Mr. BLACKBURN. Yes. If my motion is agreed to it will cut off all debate but ten minutes.

Mr. SHALLENBERGER. That was my understanding, and therefore I object.

Mr. GARFIELD. I understand the motion applies to Rule XI only.

Mr. BLACKBURN. Only to Rule XI.

Mr. CHALMERS. I move to amend so as to limit debate on any clause to which amendments may be offered to ten minutes.

The question was taken upon the amendment of Mr. CHALMERS, and it was not agreed to; upon a division—ayes 54, noes 61.

The question recurred upon the motion of Mr. BLACKBURN to limit debate upon Rule XI to ten minutes.

Mr. ROBINSON. I move to amend so that all debate upon any substantial amendment be limited to ten minutes, not to formal amendments.

The amendment was not agreed to.

The question was then taken upon the motion of Mr. BLACKBURN to limit debate upon Rule XI and all amendments thereto to ten minutes; and upon a division there were—ayes 92, noes 24.

Mr. PAGE. I raise the point that no quorum has voted, and I ask for tellers. I ask also that the question be stated again by the Chair.

The SPEAKER. The motion of the gentleman from Kentucky [Mr. BLACKBURN] is to limit all debate upon Rule XI and amendments thereto to ten minutes.

Mr. PAGE. I do not think the House understood the question, and I ask for tellers.

Mr. CONGER. There are thirty-nine paragraphs of Rule XI upon which not one word has been said, and it is proposed now to cut off all explanation or debate upon those paragraphs.

The SPEAKER. The House is now dividing upon the motion of the gentleman from Kentucky, [Mr. BLACKBURN.] No quorum having voted, the Chair will appoint Mr. BLACKBURN, of Kentucky, and Mr. PAGE, of California, to act as tellers.

The House again divided; and the tellers reported that there were ayes 90.

Before the negative vote was taken,

Mr. CHALMERS said: I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHALMERS. Is not the proposition of the gentleman from Kentucky [Mr. BLACKBURN] equivalent to a proposition to suspend the rule which allows five minutes' debate upon every amendment offered?

The SPEAKER. The Chair will cause the Clerk to read the latter clause of Rule 60.

The Clerk read as follows:

Provided, further, That the House may, by the vote of a majority of the members present, at any time after the five minutes' debate has taken place upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or at their election upon the pending amendments only.

Mr. CHALMERS. That relates to limiting debate upon pending amendments. The proposition of the gentleman from Kentucky is equivalent to a motion to suspend the rule so as to cut off all debate upon any amendments that may be offered, and that requires a two-thirds vote.

The SPEAKER. It would not be in order to move to suspend the rules to-day.

Mr. CHALMERS. I make the point of order that the motion of the gentleman from Kentucky is a proposition to suspend the rules, and therefore not in order.

The SPEAKER. The tellers will conclude their count, after which the Chair will rule upon the point of order raised by the gentleman from Mississippi, [Mr. CHALMERS.]

The tellers resumed and concluded the count, which resulted—ayes 90, noes 33.

The SPEAKER. It has been the custom of the House to do what is proposed to be done by the gentleman from Kentucky. But if the point is contested, the question of order would turn on the language of the rule providing that "the House may by the vote of a majority of the members present, at any time after the five minutes' debate has taken place upon proposed amendments to any section or paragraph of a bill, close debate upon such section or paragraph, or at their election upon the pending amendment only." The Chair thinks the meaning of the language "at any time after the five minutes' debate has taken place upon proposed amendments" is that an amendment must be first debated under the five-minute rule before the House can cut off debate thereon. Hence the proposition of the gentleman from Kentucky should be confined to the paragraph under consideration and amendments pending thereto.

Mr. BLACKBURN. I have no disposition to take issue with the Chair. The Chair construes the rule as applying to each paragraph?

The SPEAKER. To the pending paragraph and pending amendments thereto. The word "section" as used in the rule is applicable of course to a bill; it would not apply to a report like that now under consideration in Committee of the Whole.

Mr. GARFIELD. This revision is like an appropriation bill, in which for the purpose of the rule we always treat each paragraph as a section.

The SPEAKER. The Chair thinks that where the right of debate is in question, it is best to give a literal construction to the language of the rule. Hence, he would decide that debate cannot be cut off except upon the pending paragraph or section, if objected to.

Mr. BLACKBURN. Then the motion to limit debate cannot apply to the whole rule under consideration?

The SPEAKER. It would not cover the whole rule. In other words, the Chair, if the point of order is made, will not entertain a motion to cut off debate upon any amendment that might subsequently be offered and be in order, but would limit the motion to amendments pending. This seems to the Chair to be in the direction of intelligent legislation.

Mr. BLACKBURN. Comforming to the rule of the Chair, I move that all debate in Committee of the Whole upon the pending paragraph (which is clause 7 of Rule XI) and the pending amendments thereto be limited to one minute.

The motion was agreed to.

The question recurring on the motion of Mr. BLACKBURN, that the House resolve itself into Committee of the Whole to resume the consideration of the proposed revision of the rules, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the report of the Committee on Rules.

The CHAIRMAN. The clause uuder consideration is clause 7 of Rule XI, upon which, by order of the House, debate is limited to one minute. No amendment is pending, the amendment offered yesterday by the gentleman from Pennsylvania [Mr. MITCHELL] having been withdrawn.

Mr. CONGER. I ask that the paragraph as now amended be read.

The Clerk read as follows:

To commerce, to the Committee on Commerce; and the Committee on Commerce shall have the same privileges in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Mr. ANDERSON. I move to amend by adding to clause 7 the following:

But the Speaker shall not entertain a motion to suspend the rules for the purpose of passing a river and harbor bill until after such bill shall have been considered by items in Committee of the Whole, and the report thereof acted upon by the House.

The amendment was not agreed to.

Mr. MITCHELL. I move to amend by adding to the clause as now amended the following:

But the river and harbor bill shall never be passed by suspension of the rules, nor shall any resolution or motion to suspend the rules for this purpose be in order at any time, anything in the rules or practice of this House to the contrary notwithstanding. This clause shall not be suspended, except by unanimous consent.

The question being taken on agreeing to the amendment, there were—ayes 43, noes 87.

Mr. COX called for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

Mr. CLYMER. I move to amend by adding to the paragraph as amended the following:

Provided, That no motion shall be entertained to pass a river and harbor appropriation bill, or any one of the general appropriation bills, by a suspension of the rules, save by unanimous consent.

The amendment was not agreed to.

Mr. COX. I move to amend by adding to the clause the following:

Provided, That no river and harbor appropriation bill be passed without having its first consideration in the Committee of the Whole.

Mr. REAGAN. I make a point of order on this amendment. We have voted down substantially the same proposition twice.

The CHAIRMAN. Will the gentleman indicate the propositions to which he refers as being substantially the same as this?

Mr. REAGAN. I refer to the amendments that immediately preceded this one. Among them, the last one, that offered by the gentleman from Pennsylvania, [Mr. CLYMER,] was the same as this.

Mr. COX. The other amendments were coupled with another proposition.

The CHAIRMAN. The Chair was about to remark that according to his recollection those amendments embraced other propositions. Substantially this proposition was undoubtedly embraced in one of the other propositions, but it never was presented by itself.

The question recurred on Mr. COX's amendment.

The committee divided; and there were—ayes 50, noes 84.

So the amendment was rejected.

Mr. COX. I propose the following amendment.

The Clerk read as follows:

Provided, That no appropriation bill be passed without having its first consideration in the Committee of the Whole.

Mr. REAGAN. That is the same proposition introduced by the gentleman from Pennsylvania who offered the first amendment.

Mr. COX. That was limited to rivers and harbors.

Mr. KENNA. This has the same effect, and no other.

Mr. CLYMER. My amendment was, "no general appropriation bill."

Mr. COX. Mine is, "no appropriation bill." It includes all money that goes out of the Treasury.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania was, "no general appropriation bill."

Mr. REAGAN. The amendment I referred to was made by a gentleman on the other side.

The CHAIRMAN. That was coupled with the river and harbor bill. The river and harbor bill is not an appropriation bill under the rules of the House. So this is still a different proposition from the one before presented.

The committee divided; and there were—ayes 40, noes 71.

So the amendment was rejected.

The Clerk read as follows:

8. To agriculture: to the Committee on Agriculture.

Mr. DUNNELL. I offer the following amendment.

The Clerk read as follows:

Insert after the word "agriculture," in the first part of the line, "and forestry."

Mr. DUNNELL. Mr. Chairman, we have laws regulating tree culture, and there is no committee to which questions relating to tree culture or forestry may be sent as properly as to the Committee on Agriculture. For the last two or three years such questions have been referred to that committee. Formerly they were sent to the Committee on Public Lands. I trust there will be no objection to the amendment.

Mr. GARFIELD. I think there is no objection to that amendment.

The amendment was agreed to.

Mr. AIKEN. I move to insert after the word "agriculture" the following: "Who shall receive the estimates and report the appropriations for the Agricultural Department."

The CHAIRMAN. The word "agriculture" occurs twice in the clause. After which one does the gentleman propose to insert his amendment?

Mr. AIKEN. After the word "agriculture" where it occurs the second time.

Mr. BLOUNT. I make the point of order that it is not in order here, because we have already assigned it to a different committee. The

House has already determined otherwise in paragraph 3, to wit, that they should go to the Committee on Appropriations.

Mr. BROWNE. There was a proposition to amend as to the committees.

Mr. GARFIELD. The point of order is now the question before the committee.

Mr. BROWNE. I am talking about that. I wish to observe there was a proposition to amend the rule by dividing the appropriations among the several committees. That was voted down, and I presume it is competent to offer an amendment as to each particular committee as the clauses are read, the House having voted down the general proposition.

Mr. BLOUNT. It was competent when we were on the subject of appropriations, but we have passed that whole subject, and have assigned it to the Committee on Apppropriations; and, therefore, I insist it is not in order at this place. We have passed that whole subject, and come to other matters than this touching appropriations.

The CHAIRMAN. It is a fact that previous amendments embracing other things than this have been rejected. But this amendment is not out of order for that reason. It is always in order to amend by proviso modifying something preceding. The point of order is, therefore, overruled.

Mr. AIKEN. Mr. Chairman, I am surprised that the gentleman from Georgia should make a point of order on an amendment of that kind, when in the entire discussion of this Rule XI, for the past five or six days, the word *agriculture* has not been once heard upon this floor.

Mr. BLOUNT. I make the point of order that the gentleman is discussing only that which has already been decided by the Chair.

Mr. AIKEN. I do not yield to the gentleman from Georgia. We have been told by gentlemen of legislative experience on this floor that if each committee is intrusted with the appropriations which properly belong to it, we may bid adieu to anything like economical administration of affairs. The gentleman who presents these rules has told us that we will thereby increase the budget so largely that the people would be unable to bear it. That is simply an assertion; there is no argument in it. Neither of these gentlemen ever had one minute's experience of such a system. This House has never had any experience of such a system of presenting appropriation bills. To my mind, directly the contrary would be the truth. The majority in the House is responsible for the legislation of this body. Every committee is organized in proportion to that majority; and therefore will be responsible for all matters intrusted to its charge. Why is it that the majority of such a committee is not just as well able to show what is economy on any particular subject intrusted to it as the Committee on Appropriations?

I go further, Mr. Chairman, and say that under the present system of legislation it is practically impossible for the Committee on Appropriations to do justice to all the appropriation bills which come before it. That committee, when they meet, have presented to them a book of estimates—voluntarily given to them, and which no member on the floor can get without applying for it. It does seem to me, and I only speak from their legislation upon this floor, that the first and last effort of the Committee on Appropriations is to report a bill having a few dollars and cents less than is called for in that book of estimates. And they present that as a sure evidence of their economic administration!

Take any one of these standing committees and refer to it every appropriation which by name properly belongs to it, and that committee will investigate the question more closely than can be done by the Appropriations Committee, and even if they do increase the amount, it will be proper and practical legislative economy.

Take, for instance, the Military Committee. What has that committee to do? I do not know. I have never heard of any report, that I can recall, from the Military Committee, except one to reduce the Army. And yet we have a Committee on Expenditures in the War Department, and a Committee on Appropriations that tells you how much money shall be appropriated for the War Department. I ask this House, is not that Military Committee, with a majority of men who are looking to an honest, faithful, and economical administration of affairs, just as able to do the entire duty of that branch of legislation which these different committees have to do as that Committee on Appropriations?

When we go through the entire list of the committees, we will after a while come down to an appropriation made for the Agricultural Department. And who knows, Mr. Chairman, how large this should be?

I venture here the assertion without ever having made an investigation, that the Committee on Appropriations have never gone into the Agricultural Department to see whether it was deserving of one dollar or not. I will go further, and say without having made any investigation, that the Committee on Appropriations have never sent a subcommittee to make such an investigation.

I believe, Mr. Chairman, I will venture a little further, and say there are members of the Committee on Appropriations who have never been inside the Agricultural Department.

A MEMBER. Name them.

Mr. AIKEN. I do not know them. I should like to have them rise up and say whether they have been there. I question it.

Mr. BLACKBURN. What is the question of the gentleman from South Carolina? What does he say in reference to the Committee on Appropriations?

Mr. AIKEN. I am saying that I question whether you or some members of the Committee on Appropriations have ever been inside of the Agricultural Department to see whether it deserved any money or not.

Mr. BLACKBURN. As far as I am individually concerned——

Mr. AIKEN. Then my allusion does not apply to the gentleman from Kentucky, who presents these rules. I excuse him. [Laughter.]

I ask simple justice to the Agricultural Department. Some members of the Committee on Agriculture have gone through that Department, and they know what it wants and what it is entitled to, and that it asks for nothing that is not right and proper. That is all.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) I would like to correct one statement made by the gentleman from South Carolina, and that is that the Appropriations Committee in the first session of the Forty-fifth Congress did go into the Agricultural Department, and made a very thorough examination of it.

Mr. BLOUNT. My friend from South Carolina whenever he takes the floor turns himself loose without any restraint in bold assertion.

In the first place he announces to this House that nobody has the Book of Estimates except the Committee on Appropriations. The gentleman has been here for some time, and ought to have learned, if he has not, that if he sent to the document-room he could procure a copy of the Book of Estimates as well as any member of the Committee on Appropriations or any member upon this floor. Any gentleman on this floor may send to the document-room and get a copy of that book.

Mr. AIKEN. Will the gentleman allow me to correct him? I made half a dozen efforts to get that book and never did get it until I went to the Agricultural Department, and they gave me one.

Mr. BLOUNT. Then the gentleman's position is an exceptional one. I find it in the hands of many members here.

Then the gentleman undertakes to say that we of the Committee on Appropriations have never been to the Agricultural Department. Now, it does seem to me the gentleman ought not to put us in the attitude of getting up here to satisfy him whether that statement is true or not.

I undertake to say, sir, so far as that Department is concerned, it has been fully investigated time and again. In reference to the receipts and expenditures of the Agricultural Department there always is careful examination made, and time and again the officers of that Department who are supposed to be well informed in relation to it have been called before our committee on subjects pertaining to their duties.

Now, without undertaking to discuss the question as to where these bills shall go, I have simply risen to do the Committee on Appropriations justice against the loose statements made by the gentleman from South Carolina on this and other occasions.

Mr. FINLEY. I offer this amendment to the amendment of the gentleman from South Carolina.

The Clerk read as follows:

After the word "Department" add the words "to the House for reference to the Committee on Appropriations."

Mr. LORING. I am perfectly aware, Mr. Chairman, of the feeling and sentiment which animate the committee with regard to the reference of all appropriations to the Committee on Appropriations. That must be apparent to every member here present, and I desire in no way to antagonize that feeling by anything that I may say with regard to the Committee on Agriculture.

It may be entirely proper for those committees whose business has been long established in this country and by the machinery of this House to be in the attitude they are placed in reference to the Committee on Appropriations. I do not at this stage of the proceedings object one particle to that. I desire to say to the committee, however, that the business placed in the hands of the Committee on Agriculture is so unformed that it is impossible for the Appropriations Committee to estimate in any way what are the demands of the Department. The Department is a new one. It is a new addition to the machinery of this Government, not yet developed and not yet complete, and holding in its hands, as every man on this floor knows, the most important industry of the American people.

Now, sir, considering this fact, it seems to me it must be apparent to every gentleman on this floor that all the wants and necessities of that Department which will not only sustain it in its present condition, but which will develop it to that point which is desired and demanded by the American people, should be in the hands of some committee that can estimate them. All the variety of subjects which it covers should be properly and definitely specified by the committee, and when the Committee on Agriculture recommends an appropriation, as proposed by the gentleman from South Carolina, it seems to me that recommendation should contain such specified points as to appeal at once to the good sense of the people, and, more than all, that this Department should be elevated into that position which is held by every department of a similar nature in every government on the face of the earth except our own.

I am waiting patiently, sir, to see the Department of Agriculture take the stand which it ought to take here. I do not care how it is

done, whether it is done by elevating the Commissioner to a Cabinet position or not; but I do desire that the Department should be so conducted in some way as to appeal to the good sense and the justice of those who know what this department of industry is.

It seems to me this should be made an exception. While the Committee on Naval Affairs and the Committee on Military Affairs, by long precedent and established usage, know what their duties are, and while the Appropriations Committee know almost by instinct what their obligations are to those two great branches of the Government, it does appear to me the House and the Appropriations Committee should be willing to learn by careful investigation of the committee which has in charge this industry what are the specific wants of the Department of Agriculture.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) I would like to say on this subject that the salaries in the Department of Agriculture, from the Commissioner down, are provided for by law, to which the Committee on Appropriations conform in framing the legislative, executive, and judicial appropriation bill. The appropriations for seed and for the distribution of seed, and the expenses therewith connected, go into another bill, the sundry civil. There is not much discretion, indeed, in reference to these two items. The one is regulated by law; the other is regulated by the disposition of Congress as to the amount, and it is open to the whole House to offer amendments. It seems to me that after the other proposition has been voted down it is hardly worth while to make this an exception.

Mr. BLACKBURN. I indorse every word that the gentleman from Massachusetts has so well said——

The CHAIRMAN. The Chair would remind the gentleman that there are only three minutes of the time remaining.

Mr. BLACKBURN. I do not want longer than that. I indorse every word the gentleman from Massachusetts has said in reference to the importance of the Committee on Agriculture to which are committed the interests of the Department of Agriculture. But I do not see what good is to result from the discussion that must necessarily ensue upon the propositions to take these bills one by one, after the House in Committee of the Whole has voted down the general proposition to distribute them. I will not go back to reply to the gentleman from South Carolina, [Mr. AIKEN,] because he was mistaken in almost everything he said. For myself I never opposed the distribution of these bills. I was quite willing to take the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and said to the House if they desired to distribute these bills they should distribute all the bills except the legislative and the sundry civil appropriation bills.

But, sir, let me say in regard to the Committee on Appropriations it would almost appear that that committee has no duty in the world but one, and that is to sit here patiently on the floor with its mouth closed and listen uncomplainingly to all the criticisms and abuse anybody sees fit to heap upon it, although he may not know anything about its work or its business.

But I am willing now to go back and take away all the appropriation bills, except the sundry civil and the legislative, executive, and judicial appropriation bills, from the Committee on Appropriations, and would agree to give them up if anybody claimed or wanted them, and give them to their respective committees provided you give me any check or limitation upon that road which is thereby opened to every committee to ride into the public Treasury. I am perfectly willing to give to the Committee on Agriculture what is here claimed, but if you are going to do that you had better tear down the faulty system you have now, tear it to the earth, and build it up anew. You cannot make a satisfactory piece of patchwork out of what you have got in existence now.

The question being taken on Mr. FINLEY'S amendment to the amendment of Mr. AIKEN, it was not agreed to.

The question being taken on Mr. AIKEN'S amendment, there were—ayes 74, noes 62.

Mr. GARFIELD. I call for tellers.

Tellers were ordered, 45 members voting therefor.

The committee again divided; and the tellers reported—ayes 93, noes 64.

So the amendment was agreed to.

Mr. BLACKBURN. I give notice that I will call for the yeas and nays on this amendment in the House.

The Clerk resumed the reading of Rule XI, and read the following clauses:

9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs.

10. To the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs.

Mr. BROWNE. I move to amend by striking out the words in clause 10, "other than the appropriations for its support."

Mr. BLOUNT. I make the point of order that this same amendment, or one equivalent thereto, has already been acted upon by the committee.

The CHAIRMAN. The amendment heretofore offered was one embracing various committees and giving them the specific right to report appropriation bills. This is not such an amendment. It simply relates to the Committee on Military Affairs, and does not attempt to give it the initiative of appropriation bills, that right being given to the Committee on Appropriations by another clause of the rule. This merely proposes to strike out certain words from clause 10. The Chair thinks the amendment is in order.

Mr. BROWNE. The vote of the committee a few moments ago destroys the symmetry of this colossal system of appropriations. I congratulate the committee on the fact that a small measure, at least, of justice was done the Committee on Agriculture. I hope it will be as manifest that the duty of making provision for the support of the Army belongs to the Military Committee as it was that to appropriate a few thousands of dollars for the purpose of purchasing seeds and distributing them among the various congressional districts should be committed to the Committee on Agriculture.

Now, I believe that we ought to break down by piecemeal what we have not been able to accomplish by wholesale. The committee having shown that it is in the humor to do this work by the vote which has just been taken, I hope it will continue the work until we accomplish this reform.

Mr. SIMONTON. The question of the distribution of the powers of the Appropriations Committee is one that has engaged the attention of this Committee of the Whole for some time. A great many reasons have been offered why such distributions should be made. Among others, it has been gravely argued on this floor that if the duties and powers of that committee were divided among other committees, then gentlemen would have a better opportunity to put themselves forward in this House. I have no doubt that would be true.

We have been told that if there was a distribution of the powers and duties of the Appropriations Committee there would not be any increase of the expenditures of the Government. I would ask gentlemen, how do you know that the Agricultural Committee will not bring in a larger appropriation for that Department than would the Appropriations Committee? I would ask this question: if gentlemen do not want more money for the particular Departments to which their committees relate, then why are they dissatisfied with the action of the Appropriations Committee? If it is not in order that they may obtain more money, why then do they want the powers of the Appropriations Committee distributed among the other committees of this House? Why must the Committee on Agriculture say what amounts shall be appropriated for the Department of Agriculture; or the Committee on Military Affairs say what amount shall be appropriated for the maintenance and support of the Army? Is it not because members are not satisfied with the amounts given by the Appropriations Committee? Now, if the Appropriations Committee should give too much, gentlemen can very easily move amendments to cut down the amount proposed.

Mr. BLACKBURN. They never move to cut down.

Mr. SIMONTON. I have never known an amendment offered to cut down the amount proposed. The truth is the difficulty with gentlemen arises from the fact that the Appropriations Committee does not give the Departments to which their committees relate enough of the public money; that is the difficulty.

It seems to be evident that if each of these committees is clothed with the power to originate appropriation bills, then the aggregate appropriations for the support of the Government will be enlarged. That must be the reason, unless it be that the distribution is desired for the other purpose which has been indicated; that is, that gentlemen belonging to the other committees may have an opportunity to put themselves forward on this floor.

Now, sir, I have the ambition which is common to every man here, not only to discharge my duties well and to the best of my ability, but I desire in discharging those duties to do so in such manner that I may have full credit for so doing and receive the approval and applause of my constituents. But I must remember that I was not sent here to serve myself but to promote the best interests of my constituents. If in discharging my duty here I shall pursue a course which must lead to an increase of public expenditures, I certainly shall not thereby promote the interests of my constituents.

I think this is a question which we should gravely consider. The Committee of the Whole has already said that in the aggregate the question of distributing the powers to the Appropriations Committee is not one which should be adopted. Yet it seems we are about to adopt it in detail.

Mr. BLACKBURN. Mr. Chairman, I desire to say——

The CHAIRMAN. Debate on the pending amendment has been exhausted.

Mr. BLACKBURN. I would inquire what is the pending amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment, as follows:

In clause 10, of Rule XI, strike out the words "other than the appropriation for its support;" so that the clause, if amended, will read as follows:

"10. To the military establishment and the public defense: to the Committee on Military Affairs."

Mr. BLACKBURN. I move to strike out the last word of the amend-

ment offered by the gentleman from Indiana, [Mr. BROWNE,] for the purpose of calling the attention of the Committee of the Whole House to the effect of that amendment. The amendment means simply the giving to the Committee on Military Affairs, as the Committee of the Whole has just determined to give to the Committee on Agriculture, the preparation and reporting of the appropriation bill for the maintenance and support of the military establishment of the country.

Now, sir, when the Committee of the Whole the other day determined that the Committee on Commerce should have the absolute custody of the appropriation bill known as the river and harbor bill, I was at a loss to see what reason could be assigned for keeping the rest of the appropriation bills in the hands of the Committee on Appropriations.

If the amendment now pending shall be adopted, the Committee of the Whole having just taken the agricultural appropriation bill and sent it to the Committee on Agriculture, I cannot for the life of me see why the same rule should not be logically applied all through this Rule XI, and why these general appropriation bills should not be remitted to their own respective committees.

I say again, as I have already said, that I believe it would be the part of prudence and of wisdom—and I trust to time to demonstrate the wisdom of my suggestion—to put some limitations upon this right which will be given to these several committees to draw upon the public Treasury at their pleasure. The gentleman from Tennessee, [Mr. SIMONTON,] who has just taken his seat, has well said that the history of Congress furnishes no instance in which any committee, which it is proposed to clothe with this additional power of making appropriations, ever moved to reduce an appropriation bill that came here from the Committee on Appropriations. They are constantly moving to increase the appropriation, but never once moving to reduce it, when the appropriation for the Department in their charge is reached.

Now, I think it but fair, since the Committee of the Whole has given to the Committee on Commerce the custody of the river and harbor appropriation bill, and since it has also given to the Committee on Agriculture the agricultural appropriation bill——

Mr. RANDALL, (the Speaker.) There is no agricultural appropriation bill.

Mr. BLACKBURN. There is no agricultural appropriation bill so called, but appropriations are annually made for the maintenance of the agricultural bureau. In that case, I think it logical that these several appropriation bills shall be taken away from the Committee on Appropriations; distributed to the several committees of this House, after the fashion of the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.] And if it shall be so determined, then I think this House had best put some sort of limitation or check upon what will then be the unlimited, dangerous, and fatal power scattered among eleven different committees to take out of the public Treasury any amount of money they may choose.

Mr. GARFIELD. I rise to oppose the amendment to the amendment. Mr. Chairman, we have reached a point where I know that the difference of judgment among men here is very wide; where all that any one man can do is to state his own judgment. I never saw any proposition clearer in my own mind than I do this: that if we follow out what we have begun, as applied to the Committee on Agriculture, we will commit an enormous blunder in the management of public affairs; a blunder that very few of us will fail to see in the fullest and strongest light when we have once had a fair opportunity to witness its operations. Now, that is only an opinion. There are plenty of men here, who are, perhaps, clearer-minded than I am, who may not agree with me in that opinion.

I want, however, to say now to the Committee of the Whole in this connection, that in my judgment we have reached a condition of things where there is but one remedy for the hobble in which we find ourselves. It is this: to strip the Committee of Appropriations of the power proposed to be given it under the twenty-first rule, to legislate on appropriation bills, leave it only the work of recommending appropriations strictly according to the law, and let the other committees of this House have the sole right of proposing for the action of the House such legislation as they may deem necessary. Let the Committee on Military Affairs report the legislation for the Army; the Committee on Naval Affairs the legislation for the Navy; the Committee on Agriculture the legislation in the interest of agriculture. Let the Committee on Appropriations be the servant of the House—its auditing committee, to find what is the law, and to report such appropriations according to law as the Treasury can stand. If we remit these various committees strictly and rigidly to their appropriate business, the opposition that we find springing up on all hands against the Committee on Appropriations will, in my judgment, largely and at once disappear.

Now, I do not hesitate to say for myself (and I speak for only one man) that if this distribution of the business of the Committee on Appropriations shall be adopted, I shall vote against these rules—all of them—as my only mode of voting against what I believe to be an enormous blunder.

Mr. HAWLEY. That is right.

Mr. GARFIELD. I should be very sorry to vote against these rules, for I believe that a service of very great value has been done by the codification of this committee. But if what I deem so great a mistake shall find its way into these rules and be fixed as a part of them, so that we cannot get rid of it, then I shall be compelled to vote against the whole. But I trust that gentlemen on both sides of the Chamber will come to the work of rescuing us from the loss of the rules, and from the calamity that threatens us.

In regard to the jurisdiction of the Committee on Commerce, I do not now discuss that question. That has been disposed of; and it is a matter partly fixed by tradition and custom as well as by rule. But I speak of the remaining regular appropriation bills; for the river and harbor bill was never one of the regular appropriation bills.

Mr. FRYE. Will the gentleman allow me a question?

Mr. GARFIELD. Certainly.

Mr. FRYE. After a long discussion and upon full deliberation the Committee of the Whole a day or two since determined by a majority of some 40 votes——

A MEMBER. Eighteen.

Mr. FRYE. By a majority of 18 votes, decided against dividing the present work of the Appropriations Committee. Does the gentleman suppose that this Committee of the Whole will now proceed to do *seriatim* on these different propositions what they have already deliberately refused to do?

Mr. GARFIELD. I do. They have given a sign to-day that that is the purpose.

Mr. FRYE. The agricultural sign, which always carries the House.

Mr. RANDALL, (the Speaker.) The gentleman from Ohio [Mr. GARFIELD] gives us a sign that the third clause of the twenty-first rule is to be amended.

Mr. GARFIELD. I offer that as the escape from this difficulty.

Mr. REED. It is the only escape.

Mr. GARFIELD. I am helping the Speaker of the House with all my power to prevent this division; and I shall help him, whatever the result. But I say now that in my judgment the only safe, certain, and complete help is to remove the cause of the difficulty.

Mr. REAGAN. The gentleman from Kentucky [Mr. BLACKBURN] withdraws his *pro forma* amendment, and I renew it. I wish, Mr. Chairman, to express my surprise at the style of argument indulged in by the gentleman from Kentucky. He confesses his inability to see why, if the House refuses to take from the Committee on Commerce and to give to the Committee on Appropriations the control of the river and harbor bill, which it never did control, the House ought not therefore to distribute all the other appropriations among the other committees. He tells us that he sees no difference. How often has it been explained, how fully has this House understood it, except the gentleman from Kentucky, that the proposition to put this bill under the control of the Committee on Appropriations was inspired by the enemies of this character of appropriations, was intended to prevent such appropriations, and that it would be a physical impossibility for that committee to deal with this question, because experience has shown that the preparation of such a bill requires three or four months of incessant labor, day after day? Many members voted no doubt (and with me it was a controlling reason) against sending the bill there, where it never had been, because it was a physical impossibility for that committee to deal with the question, and because it was believed that this was a character of appropriations which ought to be made, which were beneficent in their operation upon the country.

Now, Mr. Chairman, I suggest to the gentleman who is conducting this discussion on the part of the Committee on Rules that he ought not to get in a pet, and because the House has done a reasonable and necessary and just thing declare that he will do everything else wrong.

Mr. BLACKBURN. Mr. Chairman, I am opposed to any amendment made by the gentleman from Texas, [laughter;] and if I may be as liberal in advice, unasked, as he assumed to be, I will not counsel him not to "get in a pet," but I would suggest to him not to be unreasonable in his game of grabbing. After he has gotten possession for his committee of something which it seems to me never belonged there, I do not think it fair for him to turn upon other men who, in similar positions, are seeking to gain like advantages, and complain of them.

I did sincerely trust that the gentleman from Texas had gotten through discussing the Commerce Committee and its rights and duties. We have now before us a proposition offered by the gentleman from Indiana, [Mr. BROWNE,] and I ask the Committee of the Whole to listen to just one suggestion upon that subject. It is proposed to take from the control of the Committee on Appropriations what is known as the Army appropriation bill. If that be done, I take it for granted the House will distribute all the appropriation bills among the various committees. If that be in the interest of economy I am mistaken. I know, sir, that in the last Congress the Committee on Appropriations reported to this House a bill known as the Post-Office appropriation bill, which, upon a motion emanating from the Committee on the Post-Office and Post-Roads, was increased in the aggregate to the extent of $1,000,000, in round numbers. I know that it is a matter of history, as the records of Congress will show, that there has never been an instance in which each committee, as its separate department was reached, has not endeavored, in every method and by every means possible, to increase the appropriation bills.

Mr. WHITTHORNE. I take issue with the gentleman.

Mr. BLACKBURN. I know very well it is proper and right that each Department of the Goverment should have its own especial friends upon this floor. The Committee on Naval Affairs is selected by the Speaker with the view of getting together men who are friendly to that Department. So with the Committee on Military Affairs; and it is the same way all through the list of committees. They are appointed that they may see to a change of the law wherever it be necessary to guard the interests of the particular Department committed to their care. That is the theory of the construction of the committees of this House; and it is a proper theory.

The Committee on Appropriations stands in a very different attitude. Bearing no special relation to any Department, selected as a fair and impartial arbiter, with no more concern for the Navy or the Army than for the Interior Department or the Post-Office Department, it has been selected as the one grand reservoir into which all these proposed disbursements of money should pour, in order that fairly, judicially, impartially it may make its recommendations to this House. Now, if you mean to take these bills from that committee—and the Committee of the Whole seem so determined—if the amendment now pending be adopted, I enter a solemn protest against it, not in the interest of party, but in the interest of economic and fair administration.

But I go further and remind the gentleman from Ohio, [Mr. GARFIELD,] my colleague on the Committee on Rules, that we are not yet reduced to the dire alternative which he describes. We are not yet forced to extricate ourselves from this threatened dilemma by adopting his suggested amendment and striking off the only limitation that the rule now puts upon the increase of appropriations by amendment after an appropriation bill comes into the House. He says that the alternative suggested by him is the only escape. I remind him that he has spoken hastily. There is another escape, and I trust that it will be embraced. If this proposition for the distribution of the appropriation bills shall be adopted without limitation, and then if the only safeguard that we hold to-day under the rule upon the people's Treasury is to be stricken down, I sincerely, honestly, and earnestly trust that the report made by the Committee on Rules in the shape of a revision, so mangled and marred, with all its sins, if it has any, and with whatever good may belong to it, may be rejected and spewed out of the mouth of this House.

[Here the hammer fell.]

Mr. WHITTHORNE rose.

The CHAIRMAN. Debate is exhausted. The gentleman from Texas [Mr. REAGAN] offered a *pro forma* amendment which will be regarded as withdrawn if there be no objection.

Objection was made.

The question being taken on the *pro forma* amendment of Mr. REAGAN, it was not agreed to.

Mr. WHITTHORNE. Mr. Chairman, I move to amend the pending amendment by striking out the last two words. The committee will bear me witness that at the outset of the discussion upon these rules I announced my approval of the work of the committee, and I further announced that I was opposed to the proposed distribution of the work of appropriations among the several committees of the House. If, however, the judgment of the House is different as to one committee, I shall feel it my duty, on behalf of the committee of which I am chairman, to make the motion that the appropriations relating to the Navy shall be assigned to that committee.

Just a word to my friend from Kentucky, [Mr. BLACKBURN.] He brags too much on his hand. His hand does not justify it. [Laughter.] I undertake to say that upon opportunity being furnished to me I will demonstrate that most of the vicious legislation of the last eight or ten years has originated with the Committee on Appropriations.

Mr. HAWLEY. It was certainly so last summer.

Mr. WHITTHORNE. Further, I take issue with the gentleman from Kentucky when he says that there is no committee of this House that has not urged the increase of expenditures rather than their diminution. I speak now for the committee of which I was chairman in the Forty-fourth Congress. Two of my colleagues on that committee, the gentleman from Texas [Mr. MILLS] and the gentleman from Alabama, [Mr. LEWIS,] are now here; and I undertake to say in their presence and in the presence of the record that the Committee on Naval Affairs did recommend material reductions, looking toward a decrease in the number of officers of the Navy and in their pay, looking to a decrease of the navy-yard establishments of the country and a decrease of the Marine Corps. They were not sustained by the House.

Mr. BLACKBURN. Will the gentleman allow me a question?

Mr. WHITTHORNE. In a moment. I see near me the distinguished Speaker of this House, who in that Congress was chairman of the Committee on Appropriations. I appeal to him to say whether as chairman of the Committee on Naval Affairs I did not come to him and tell him that the appropriations for naval purposes could be brought down to $12,000,000, or thereabout, and whether he did not, in accordance with that suggestion and upon mutual counsel between us, report a bill reducing the expenditures of the Navy Department to $12,616,000. We co-operated at that time. My friend from Kentucky is not justified in his assertion. When he looks to the record he will find that our committee at no time since I have been chairman of it has recommended an increase of expenditures. We have looked to economy in the expenditures of the Government; we have looked to retrenchment wherever possible. To be sure we have not in all cases received the support of the House.

Mr. BLACKBURN. Will the gentleman allow me now to ask a question?

Mr. WHITTHORNE. Yes, sir.

Mr. BLACKBURN. Will the gentleman undertake to tell this House how often in the last and the preceding Congress I have seen him stand here as chairman of the Committee on Naval Affairs and offer amendment after amendment to the naval appropriation bills as reported by the Committee on Appropriations, each amendment providing for an increase of expenditure?

Mr. WHITTHORNE. The gentleman never saw me do that but once; and that was when, in view of the removal of the Navy Department from the old building to the new one, I proposed the employment of an additional clerk. That is all he ever saw me do in the way of increasing naval expenditures. [Laughter.]

Now, Mr. Chairman, I believe in the theory of the distinguished gentleman from Ohio, [Mr. GARFIELD.] I believe that there ought to be one committee in charge of the appropriations of the Government, a single head having the unloosening of the purse-strings of the country. But I also believe that that committee should be confined to the law as it is and to their appropriate duties under the law, [applause;] they should not usurp the jurisdiction, the judgment, the work that properly belongs to the other committees of the House.

Hence, sir, I have been here supporting the work of the committee. If you will turn to my original remarks, you will see I indicated that I would limit the work of the Committee on Appropriations to the law, purely and abstractly, to the item of reduction of salary and kindred subjects.

Now, Mr. Chairman, I appeal to the House that if it will go on in the work of distribution of the subject-matters to the various committees—I appeal to the House on the score of economy, looking back to the record of the Naval Committee, that the work of naval appropriations shall likewise be distributed to that committee.

Mr. RANDALL, (the Speaker.) Mr. Chairman, I think it due to the gentleman from Tennessee I should state that in the first session of the Forty-fourth Congress I had his thorough co-operation in every particular in reducing the expenditures of the naval establishment for the then following fiscal year; and I am glad to hear him say that he believes in having a single head in connection with these appropriation bills.

I wish for myself there could be less feeling and more deliberation in the discussion of these questions. If we would not become excited we could act more intelligently.

The House to-day has acted in reference to the appropriations for the Agricultural Department in a manner which I think upon reflection they will regret. For it will be observed that the appropriations for that Department are included in two bills, which nobody on this floor has suggested to be taken away from the Committee on Appropriations, to wit, the salaries for employés of that establishment as I have already stated are provided for in the executive, legislative, and judicial appropriation bill, while the appropriations for seeds and for their distribution are provided for in the sundry civil bill. It was, and I say it with the greatest respect, an act which I think not fully considered when the House so decided. But because the House so acted is not any reason why we should rush forward to distribute all these appropriation bills as proposed by the gentleman from Kentucky who has charge of these rules.

Mr. BLACKBURN. I am not proposing anything of the sort. [Laughter.]

Mr. RANDALL, (the Speaker.) I understood the gentleman to say that if the appropriations in reference to the Agricultural Department and the appropriations in reference to improvements of rivers and harbors were to be distributed to the Committee on Agriculture and to the Committee on Commerce, then we might as well go on and distribute all the others to the several committees having charge of the various subjects in this House.

Mr. BLACKBURN. I said that was the logical conclusion as to what the House meant to do.

Mr. RANDALL, (the Speaker.) I do not look at it in that light. I think the case of the Committee on Commerce is different from that of any other, and I hope the House, as the gentleman from Kentucky has given notice he will call for a separate vote in the House upon the amendment adopted in the committee, will reverse the action of the Committee of the Whole on the state of the Union in reference to the distribution to the Committee on Agriculture of the appropriations for carrying on that Department of the Government.

Nor can it be believed anywhere that in reversing that action there will be on the part of the House any hostility to the interests of agriculture. If it is desired, as suggested by the gentleman from Massachusetts, [Mr. LORING,] to make the Commissioner of Agriculture a Cabinet minister, that can be done by independent and separate legislation.

While I am upon the floor I should like to say a word or two in con-

nection with a suggestion of the gentleman from Ohio, [Mr. GARFIELD,] that because these bills may be distributed then we ought to strike out the power of the Committee on Appropriations to introduce anything as legislation upon an appropriation bill. I remember very well the origin of that clause of the rule. A gentleman from Indiana, Mr. Holman, a member of the Forty-fourth Congress, brought that proposition here, and, after full discussion, it was adopted. It was through the agency of that provision of the rules that all the reductions which could be made at that Congress, whether great or little, were accomplished. The principle and policy of that amendment were these, that whenever by legislation the people's expenditures were to be increased, it should be done by separate bill; but whenever the Congress of the United States could in any manner decrease the expenditures of the Government, there should be a swift way provided for cutting off such extravagant or unnecessary expenditures. That is the rock upon which the representatives of the democratic party on this floor placed their party; it is the rock upon which it has stood ever since; and I hope, sir, it is the rock which will finally bring it into possession of every department of this Government from the Executive down. [Applause on the democratic side of the House.]

Therefore I say deliberately to the gentleman from Ohio, as one member of the House, that I shall resist in every possible way known to the rules, and that I shall use every argument and persuasion which my intellect will enable me to use upon the members of this House not to fall into the error of taking from the representatives of the people the power at any time to decrease the expenditures of this Government, and thereby lighten the taxation imposed upon the people. And can you of that side stand fairly or justly in any attitude of opposition to such a measure?

There has been complaint, Mr. Chairman, and I wish I could see the way to remedy it, and draw a line of distinction between what might be called economical expenditures of the Government and those amendments to the appropriation bills which have political purposes in view. Let me say to the gentleman from Ohio that he can never have the indorsement of the people of this country in striking down a barrier the object and purpose of which have been to prevent extravagance in the expenditures of the Government and secure economical administration. There may be a show of approbation before the people by seeking to strike down the power to reduce expenditures, because that power has been used to place upon appropriation bills amendments to legislation of a political character. But let us be sincere here with each other at least, and let us join hands in legitimately reducing as far as we can the expenses of administration. Let us in separate and open statutes provide legislation in reference to political questions, permitting it to come from other committees, which the majority on one side or the other may deem absolutely essential to the preservation of the Government.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Chairman, the advice of the distinguished gentleman from Pennsylvania gives us to keep cool is one we will all follow I am sure to the full extent of his bright example on that subject. And I wish to say at the very outset that in so far as the rule known as the last clause of the twenty-first rule is directed to aiding real actual economy in the expenditures of this Government it always has had and has now my most cordial support. I know the distinguished gentleman himself in advocating it originally meant that and that only; and his meaning was approved of by the people of this country, approved by men on both sides of this Chamber. But he will remember I pointed out at that moment that the language of the clause went far beyond the mere economies of the revenues. It did not say merely that reduction of salaries should be in order. If it had said that I would agree to it. It did not say it would be always in order to reduce the amount in an estimate or an appropriation. If it had said that I should agree to it. That can be put into the rules and maintained. But the language was that anything that tended toward economy——

Mr. SPRINGER. I beg the gentleman's pardon.

Mr. BLACKBURN. That is not in the rule.

Mr. GARFIELD. I say that this is in the rules in effect.

Mr. SPRINGER. No; the language is "shall retrench expenditures."

Mr. GARFIELD. But the construction of the rule has been that if in the judgment of the Chair—the man who happens to preside—the proposition shall tend toward the retrenchment of expenditures, then it shall be in order. In what direction have we not drifted under that latitudinarian construction? Every conceivable scheme of partisan legislation that has torn this House with passion, that has lashed the party tiger into rage, that has converted us, not into a deliberative body, but into a political caucus; all these Trojan horses, all these evils, all these political volcanoes which have burst in American politics for the last three years in this Chamber have done so through the crater of that rule as construed by the presiding officers of this House. [Applause on the republican side.] And to stop that volcano, to reduce this House to business, to bring it back to the deliberation that ought to belong to it, that we may be, as the Speaker advises, calm, that we may come down to the manly work of carrying on our Government in economy and under law, is my most earnest wish.

And for that reason we are not so poor and so utterly bankrupt of expedients that we cannot frame a rule which shall meet all my friend's wishes and avoid all that the best men of both sides of this House deprecate and desire to get rid of; that shall shut out the everlasting tiger of politics from this arena, and let the Appropriations Committee be the great auditing committee of the House to do their work under law, and let the rest of us in our several committee duties do the legislation for the House.

If we do that, gentlemen, we will not be put into an attitude of fighting economy. We cannot by any torture of language be said to be fighting economy when we take the position I assume to-day; and I do not take this position as a partisan. I take it because I want to see the party to which I belong stand on it, not only in the minority, but stand on it when they come into the majority.

The gentleman said that was the rock on which the democratic party was saved. It is the rock on which the democratic party is splitting, breaking; it is a rule which will break any party that would follow it to the extent of converting this body into a mere political society. [Applause.]

Mr. RANDALL, (the Speaker.) I move to strike out the last word. Mr. Chairman, one would suppose from the language of the gentleman from Ohio that this mode of legislation upon appropriation bills had its origin in a democratic House. When the democratic party came into the control of the House of Representatives there was found among the rules a power to legislate upon appropriation bills, under a construction of former Speakers, which might increase appropriations, but could not retrench expenditures. We simply changed that rule as construed by former Speakers, reversing the construction, so that in effect all legislation put on appropriation bills *should retrench* expenditures, making the language absolute.

I very well remember in a discussion at the close of the first session of the Forty-fourth Congress I alluded to the fact that those who had gone before us, when the majority sat upon that side, had given us an example in this respect. I cited instances, and among them I may enumerate that they embraced changes in the line and staff of the Army and Navy, increasing both; that they included the Pacific mail subsidy which subsequently brought upon Congress so much adverse criticism. They included also, with increase of expenditure, the reorganization of the Post-Office Department. They included the reorganization of the consular and diplomatic service, with increased expenditure. They included the reorganization of the civil service of the Treasury Department. There are many others to which I might allude, showing that the action of the party now dominant here, when they first came into control of this House, did not change as to legislation on appropriation bills *per se*. It merely said that whenever legislation was put on appropriation bills it should be in the direction of saving money to the people of the country; it should be in the direction of economical expenditure. And under that change of rule there were $30,000,000 saved at that session in the amount of the appropriations as compared with the previous year.

There is where we should want to stand. There is where there should be no political division; and to that end I am glad to hear the gentleman from Ohio say that in so far as strict economy is concerned, outside of political questions, any change of rule which would prevent such proceeding will not receive his support.

Mr. REED. Mr. Chairman, this is a question which is before us upon the organization of the method of doing the business of the House; and I must say that for one I am sorry that party matters have been brought here. I believe there is a plain system upon which we can manage these matters and avoid not only the rock upon which the democratic party has split, but also avoid the difficulties of which the gentleman from Pennsylvania has given us the details, in years before the democratic party came into power in this House.

Both parties have been taught lessons which ought to show us that it is unsafe to have a system of legislation which is founded upon loading down the appropriation bills. Whether it is done upon pretense of economy or upon a pretense of appropriating for the proper needs of the Government, it is equally wrong. But if we frame a rule—and surely we are capable of doing that—which says that the Appropriations Committee shall make no appropriations except those which are according to law, then that provision obliges all other committees to attend to matters of legislation. And I say that the scenes we have witnessed in this House ever since this discussion of rules began has been on account of the provision which the gentleman from Ohio [Mr. GARFIELD] wants to strike out. It is not in human nature as represented upon the Appropriations Committee not to present new legislation under that clause; and when we happen to have, as we did have in the last Congress, a gentleman on that committee who knew everything, we had a perfect avalanche of such business brought before us; and it is equally impossible with human nature as it is constituted outside of the Appropriations Committee to prevent gentlemen from exalting their committees just as gentlemen of the Committee on Agriculture have exalted that committee to-day. But if we say that appropriations are to be made according to law by one committee, then we have control of the great general appropriations of the Government, and we know what we can appropriate, and then the other committees can carve out of what is left.

That is a true system, a system that is right and proper, and that enables every committee and every member to participate in the legislation of this House. I sincerely hope we may come up to the level of this question, for I believe it to be a great one, and that we will not degrade it by the introduction of partisan matters. I trust that we shall adopt a system that we shall be satisfied with, a system which we see ourselves must work well, for if we adopt it the Appropriations Committee cannot put a single word of legislation upon an appropriation bill except by unanimous consent; and what more can other committees desire? We then have got a system that is philosophically correct and practically correct.

Mr. COX. I was sorry to hear my friend from Ohio [Mr. GARFIELD] rather go back upon an expression which he made use of at the beginning of this debate. I understood him to say that however these rules might be amended, if at least they were not substantially obliterated he should endeavor if possible to preserve them; that they were so valuable as a digest, as a codification, that, although they might be amended here and there in some particulars, he desired to save them as a code.

Our present rules are almost like chaos, without form, and therefore very often void. Here we have them in good shape. And although the Committee on Commerce may be now content, I think they ought to go further and be willing to carry this even beyond the Agriculture Committee. What reason is there if the Committee on Commerce should take rivers and harbors, and if the Committee on Agriculture should take the appropriation for agricultural purposes—what reason is there why the Committee on Foreign Affairs should not report the diplomatic and consular bill?

We have communications with the State Department. We have letters as to the need of consuls, of clerks, of interpreters, of rents. All the business connected with diplomacy comes before that committee. And although, as I said here before, I would not claim for our committee the making of an appropriation bill, believing that duty should be intrusted to a general committee which will look over the whole subject of the expenditures of the Government, yet the same reason obtains in the one case as in the other. And if the House is determined to go on in that line I shall offer an amendment that the Foreign Affairs Committee shall take charge of the diplomatic and consular appropriation bills.

Mr. BAKER. That amendment is too late. We have passed the clause where that could be moved.

Mr. COX. We can arrange that before we get through. If necessary we can add another rule if the House chooses.

This debate has become somewhat irrelevant. It has gone beyond what I expected. My distinguished friend from Ohio [Mr. GARFIELD] has undertaken to denounce again, as he denounced when we adopted it, Rule 120 as reported by the Committee on Rules, after being sent to it on the motion of Judge Holman. I have said to this House, and it has been proved heretofore in debate here, that but for Rule 120 there would have been no substantial economy in the Forty-fourth and Forty-fifth Congresses.

The gentleman from Ohio said that our Speaker had interpreted that rule as including all propositions that tended to retrenchment of expenditure. Now, sir, that is not the language of the rule. The language is:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

And Mr. Speaker Kerr and the distinguished Speaker of this House always have held that they would look at the bill *prima facie;* that if on its face it showed retrenchment, then the proposition was in order; but if on the other hand it showed extravagance or an enlargement of expenditure, then it would be ruled out of order.

I have never in this House favored riders on appropriation bills. Gentlemen have raked up that old question again. I know that both parties in this House have piled up Pelion on Ossa in the way of legislative provisions on appropriation bills. I have opposed that system on the ground of the philosophy of legislation. I opposed it at the extra session, and I oppose it yet, as unfair, unjust, unscientific legislation.

But I remember that it began with the republicans, and the republican kettle cannot call the democratic pot black on that subject. You are all in the same boat. You actually carried the proposition to confer suffrage on the negroes in the District of Columbia on an appropriation bill. You remodeled the Supreme Court of the United States, you packed it, by a rider on an appropriation bill; and I do not know but you afterward abolished colored suffrage in the District of Columbia in the same abnormal manner.

But that is beyond the question. Let some one bring in a rule of this House that will conform to the very best science connected with our progress in legislation, and I think there would be a large majority in this House to sustain such a proposition.

[Here the hammer fell.]

Mr. HAWLEY. It seems to be conceded unanimously, or if not quite so now, yet likely soon to be, that the twenty-first rule contains, somehow or other, in its words or in its interpretation, a grave error resulting in great injury to the country. Our distinguished Speaker has himself more than intimated that he is sorry that there has been this sort of political legislation on appropriation bills. The gentleman from Tennessee [Mr. WHITTHORNE] very strongly intimated an opinion in the same direction. And the eloquent gentleman from New York [Mr. COX] admits that he has been always and unanimously of the same opinion, although he has voted continually for just such legislation.

Mr. COX. Oh, no.

Mr. HAWLEY. I believe the gentleman voted for everything in the shape of political legislation that his party put forward in appropriation bills last session.

Mr. COX. You are mistaken.

Mr. HAWLEY. If you did not vote for it, did you pair off?

Mr. COX. No, I did not.

Mr. HAWLEY. Was the gentleman in favor of the political legislation on appropriation bills which was proposed by his party last summer?

Mr. COX. I will refer you, privately and confidentially, to the RECORD.

Mr. HAWLEY. That is the character of the reference always made by gentlemen who say they oppose this legislation.

Mr. COX. I do not want so good a man as you to fall into a mistake.

Mr. HAWLEY. The reference made by gentlemen on that side of the House is always like that just made by the gentleman from New York, very confidential and private, as to their opposition to such legislation; but when they come to vote they uniformly vote for political legislation on appropriation bills.

But I arose more particularly to point with pleasure to the confession of three distinguished gentlemen on that side of the House, that this Rule XXI is capable of a great mischief. It is capable of a great mischief—not the one which they have indicated, but one which is likely to bring about the complete destruction of the Appropriations Committee, and every one on that side concedes that that would be a great calamity.

I have always believed in legislation by party and by partisan methods; I believe in that yet. But a party must act with some unity or combination of its powers—must put the throttle in the hands of some one committee. I speak of that now as a general principle, and not in reference to any of the details of this controversy. I desire to call the attention of my republican friends to the blunders which they are committing here. It is admitted that the twenty-first rule is a mistake under its present construction. Yet it is proposed here that we shall take the Appropriations Committee, which can now put political legislation on appropriation bills, and make ten committees of the one. The consequence will be that there will be about one hundred and twenty members of this House who, through their committees, will have the right to put political legislation on appropriation bills. The Committee on Commerce, the Committee on Agriculture, the Committee on Military Affairs, every one of these committees will have the power which has heretofore been exercised by the Appropriations Committee alone. That is what you are doing.

Are you to take it for granted that the members of the Committee on Agriculture, the members of the Committee on Military Affairs, the members of the other committees, will agree to strike out the last clause of the twenty-first rule, and provide that there shall be no legislation on appropriation bills? I doubt whether they will agree to that, although three of their leaders have to-day indicated that the combination of appropriations with political legislation is not right. I believe they will unanimously stand by that vicious rule; and we are going to throw into the hands of ten democratic committees the power of legislating in appropriation bills. That is what we on this side are doing. There is yet time for the House to pause. We have committed the blunder as to two committees, in regard to which the question is not of very great importance. We are now coming to the Committee on Military Affairs. Let us stop now; let us quit the work we have begun; and then let us have our fight upon the twenty-first rule. If we cannot go any farther, let us go as far as our Speaker has indicated, and provide that nobody shall introduce political legislation on appropriation bills; that there may be reductions of salaries and similar reductions of expenses, but that we will strike out the possibility of political legislation.

Mr. RANDALL, (the Speaker.) I said that the possibility of political legislation was the cover under which many members on the other side sought to strike down the whole rule, and that I deprecated the striking down of that rule on any such ground.

Mr. HAWLEY. I deprecate any legislation whatever upon appropriation bills. I agree in a great measure with the gentleman from Tennessee, [Mr. WHITTHORNE,] who says that the vicious legislation of the country for some years past has come largely from the Committee on appropriations in that way. But if nothing better can be done, let us guard ourselves from the possibility of any political legislation, and give our rule the construction which the Speaker has indicated—that salaries may he reduced and similar reductions of expense made on appropriation bills, but that they shall contain nothing in the nature of political legislation.

The House has now the opportunity to save itself. If it goes along

in the course it has begun, we shall simply ruin this magnificent report of the committee—a grand improvement upon our present rules. I, for one, shall go for defeating the whole abominable botch, if this report be amended in the manner now threatened.

Mr. CALKINS. Mr. Chairman, the trouble here seems to be this: yesterday some of us who were fighting for equal rights on this floor met the enemy, and we were theirs. To-day we have met them upon the same ground, and they are ours. The result hurts somebody. The fact is, this is simply a fight for power. When I entered this House in the Forty-fifth Congress the first time I asked its attention was in reference to this very vicious rule which is now the subject of discussion. On this subject there is a happy medium upon which I think we can all agree. There are not, I think, a dozen members on either side who will not agree to send every bill appropriating money to the Appropriations Committee if you will strip that committee of the power to incorporate into their bills new legislation. The ground of complaint among members is the immense power that the committee now wields in this House.

I object to having a guardian. I object to sitting here, undertaking to represent my constituents, with a rule over me which says, "You may introduce an amendment to an appropriation bill that reduces expenditures, but if your constituents demand that expenditure in any direction be increased you shall not offer such an amendment; your proposition shall simply go to the chairman of the Committee of the Whole who will decide it out of order; so that you cannot get a vote on it, no matter how just the measure may be."

Let me give you an illustration. I went to the Committee on Appropriations as my friend from Virginia [Mr. HARRIS] did. I asked the gentleman in charge of one of the appropriation bills to put upon it an amendment that would not increase expenditures $70 a year. He said it was perfectly right. "Then put it on," said I. "I cannot," he said; "the committee have not authorized it." "Then," said I, "let me submit it to the House." "Oh, no," was the reply, "we must stand by the report of the committee."

That is the power I object to. Two hundred and seventy men in this House are under the guardianship of fifteen. [Applause.] I fight for the equal rights of all. I stand here for the younger members of the House—younger in service, not in age—men who have mettle in them, as my colleague [Mr. BROWNE] has said. They are now under tutelage and guardianship. They cannot get beyond the chairman of the Committee of the Whole in endeavoring to present to the House matters which their consituents demand.

Now, the reason I make this fight with some of my friends is that whenever we force these gentlemen who are now our guardians to distribute the power they now exercise, they will come down handsomely. We shall meet on the ground of statesmanship; we shall then have a compromise by which the business of the House can be done. I say to gentlemen who who agree with me that as we have now put a check upon our opponents, all we have to do is to stand our ground, and they will soon come down. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana, [Mr. BROWNE,] which will be read.

The Clerk read as follows:

Strike out the words "other than the appropriations for its support;" so that, as amended, the clause will read:

To the military establishment and the public defense: to the Committee on Military Affairs.

The question being put,

The CHAIRMAN. The Chair by the *viva voce* vote is unable to decide.

Mr. GARFIELD. We may as well have tellers.

The CHAIRMAN. If there be no objection tellers will be ordered.

There being no objection tellers were ordered; and Mr. BROWNE and Mr. RANDALL were appointed,

The committee divided; and the tellers reported—ayes 93, noes 107.

So the amendment was not agreed to.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules and had come to no resolution thereon.

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FEBRUARY 4, 1880.

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Mr. BLACKBURN. I now insist upon my motion that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the report of the Committee on Rules.

The Clerk read as follows:

11. To the naval establishment, other than the appropriations for its support: to the Committee on Naval Affairs.

12. To the Post-Office and post-roads, other than appropriations for their support: to the Committee on the Post-Office and Post-Roads.

Mr. MONEY. If it is now in order I desire to offer an amendment to that clause of this rule which has just been read.

The Clerk read as follows:

Strike out the words "other than," and in lieu thereof insert the word "including;" so that if the amendment is adopted this clause will then read, "to the Post-Office and post-roads, including appropriations for their support: to the Committee on the Post-Office and Post-Roads.

Mr. MONEY. Mr. Chairman, I feel a great delicacy in asking this amendment at the hands of this House after the recent discussion and the previous action taken on cognate questions. But I am moved to do this by what I consider the necessities of the public service. I do it at the request of the members of the Committee on the Post-Office and Post-Roads. There is not a single bill which comes to this House that is looked to with as much interest by the people of all the States of this Union in every community as the bill appropriating money for the support of the Post-Office Department. No other Department of this Government has such intimate relations with the people, with all classes and communities of this Government, as the Post-Office. It touches them, sir, at every point. It touches them in all their business, in all their domestic, and all their social relations, and of necessity the bill appropriating money for its support should come from a committee intimately acquainted with its wants.

I submit to this House it is impossible from the very nature of things that a committee so burdened with business of a multiplied character as the Committee on Appropriations can inform themselves so minutely of the necessities of the postal service as the Committee on the Post-Office and Post-Roads. And I would have the House to believe that committee if intrusted with this work would report in a spirit of economy, but measure that economy by the requirements of that service.

It was stated on yesterday by the gentleman who has charge of this report from the Committee on Rules—and I do him the credit to say I do not think he intended to misrepresent the matter at all or to prejudice this House against the distribution of appropriation bills to the several committees having charge of these several Departments—it was said yesterday by that gentleman that the bill reported at the last session of Congress for the support of the Post-Office Department was increased $1,000,000 by motions emanating from the Committee on the Post-Office and Post-Roads. The gentleman is mistaken as to the facts. I did not hear him at the time or I would have corrected him at that point, but reading this morning his remarks on that subject, I find he has made that statement. It is immaterial who reported those amendments, but I wish to say that of $975,000 appropriated in addition to the report of the Committee on Appropriations $485,000 was reported by members of the Committee on Appropriations. One hundred and fifty thousand dollars was added by the amendment of my colleague from Mississippi, [Mr. CHALMERS,] for the benefit of the steamboat service. One hundred thousand dollars was added by the amendment of Mr. PAGE, of California, in behalf of the letter-carrier service. Of the amount added by the Committee of the Whole only $210,000 came from the Committee on the Post-Office and Post-Roads, and that was by an amendment offered by myself on the star service. But it matters not from whom these amendments come. The sequel has proved their wisdom; for to-day, notwithstanding this increase of $975,000, we are asked for $2,000,000 deficiencies for the Post-Office Department.

Mr. BLOUNT. Is that the way you demonstrate it?

Mr. MONEY. No, sir; if the gentleman will just allow me to finish I will tell him. I will not stop to inquire, in the limited time I have, whether that amount of money has been expended judiciously or not, whether it has been spent unadvisedly or corruptly or not. That matter is now being investigated by the Committee on Appropriations, which finds time in all the multiplicity of its business to make the investigation, and I await their report before I pronounce a decision upon the Second Assistant Postmaster-General. I first desire to hear the evidence against him.

But at any rate of that $2,000,000 of deficiency it is claimed only $900,000 of it was caused by what we may at least term a judicious expenditure in expediting the schedule of time and increasing the number of trips in the far West.

Now, Mr. Chairman, is it possible that the Committee on Appropriations shall so acquaint themselves with the necessities of the postal service as to be able to report a bill here absolutely meeting exactly all its demands.

This service, sir, is continually growing. We have not got a finished country. We are developing all the time. We are in process of rapid growth. The past decade will show an increase of population of at least ten or twelve millions. In this last year we have increased our post-offices by 1,597; the steamboat service increased 3,000 miles, the star service 8,000 miles, and the railroad service about 3,000 miles. It is impossible that any man, I do not care what his ability is, can keep pace with the growing demands of this service unless his study of it runs *pari passu* with its growth.

I submit the Committee on the Post-Office and Post-Roads is the appropriate committee to report this bill. And I deprecate that spirit on the part of any member of the Committee of the Whole which would lose the valuable report of the Committee on Rules unless we take it entire. We had it yesterday from two members of the Committee on Rules and one member of the Committee on Appropriations that they would be willing to lose the whole work of the Committee on Rules last summer if we in Committee of the Whole were not willing to intrust the Committee on Appropriations practically with the control of all the business of this House. And it was stated that it would be destructive to the Treasury if these appropriation bills were distributed among other committees.

[Here the hammer fell.]

Mr. BLACKBURN. I do not know how the gentleman from Mississippi managed in five minutes' time, unless he had the indulgence of the Chair, to put before the Committee of the Whole as many mistakes as he has committed. I am sure I cannot reply to them in five minutes.

The member of the Committee on Rules and member of the Committee on Appropriations did not say on yesterday, and the RECORD does not warrant the charge, that he was in favor of repudiating and rejecting this whole revision of the rules if the appropriation bills were distributed. But he stated that if that was done and the present existing barrier against an increase of appropriations by way of amendment was stricken down, then, and only then, the report should be rejected.

Mr. MONEY. Will the gentleman allow me to interrupt him right there?

Mr. BLACKBURN. Not out of my time. I stand upon the record, and I hold the gentleman from Mississippi to the record.

The gentleman was mistaken in another thing. He was mistaken if he expected to succeed in drawing me off to a discussion of the two-million-dollar deficiency which now stares us in the face in the star service of which the gentleman speaks, and of which he has stood before the House in this and the last Congress as the avowed champion.

Mr. MONEY. No, sir. I wish to say, Mr. Chairman——

Mr. BLACKBURN. I do not yield. I did not interrupt the gentleman from Mississippi and I decline to be interrupted by him. He is mistaken when he says that but $900,000 of that deficiency is traceable to what may be termed increased allowances to existing routes, or else the Second Assistant Postmaster-General was mistaken when under oath he swore that more than $1,100,000 of it was traceable there.

The question presented by the amendment offered by the gentleman from Mississippi is simply this: whether the Post-Office appropriation bill according to estimates submitted to the Committee on Appropriations, requiring in the next fiscal year $39,900,000, shall be turned over to the custody of the committee over which that gentleman worthily presides, he who supported, indorsed, and upheld by vote and voice an increase of $975,000 in excess of the amount reported to the last Congress by the Committee on Appropriations. There is to be found, sir, in this House no one committee more deserving probably than that for its untiring energy and faithful service. But candor compels me to add that the record shows there is not to be found in this House a single committee now clamoring for additional power a compliance with whose demand is more dangerous than that of the Committee on the Post-Office and Post-Roads. One million of money in round numbers I stated on yesterday, and I repeat to-day, was added to the bill of the Committee on Appropriations for the support of the postal service in the last Congress. And I appeal to that gentleman to say if there was ever a proposition made to increase the appropriations for the postal service one dollar for which he did not vote or speak.

This question was decided yesterday. When the proposition was made to carry the Army and the fortification bills to the Military Affairs Committee and was voted down, I take it that this Committee of the Whole House declared its purpose to make no further exceptions, but to leave the appropriation bills where they are. I do not believe that further discussion will suffice to change the vote of a single man on this floor. I believe that the Committee of the Whole House is prepared to vote on every one of these isolated propositions as they come up. The gentleman from Mississippi has had his five minutes; I have had mine or a part of it; and I trust that this committee will now go forward without further delay and vote upon every proposition submitted that looks to the commitment into new hands of a single appropriation that is now intrusted to the Committee on Appropriations.

Mr. BLOUNT. I desire to say that if there is a committee in this House——

Mr. ROBERTSON. Is debate in order?

The CHAIRMAN. Debate has been exhausted upon the pending amendment.

Mr. BLOUNT. I move to strike out the last word.

Mr. CONGER. What is the question before the committee?

The CHAIRMAN. The question is the amendment of the gentleman from Mississippi, [Mr. MONEY.]

Mr. CONGER. I desire to be heard upon that amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] has moved to amend the amendment by striking out the last word. When that amendment shall have been disposed of, another amendment will be in order, and the gentleman will be recognized in due time.

Mr. BLOUNT. I have very little to say in relation to this debate on the rules. So far as labor is concerned, I undertake to say that there is not a committee of all those which are struggling for the appropriation bills who have so fine a field of work as the Committee on the Post-Office and Post-Roads, and who could, if they had seen fit, have relieved the Committee on Appropriations of a vast amount of work, have done the country a vast service, and saved the Treasury millions of dollars.

Mr. MONEY. We are trying to do that now.

Mr. BLOUNT. I hope the gentleman will not interrupt me. It is well known that there has been pressed upon this House for years a proposition to change the method of paying the railroads of the country for carrying our mails. Yet in past Congresses not a word upon that subject has come from the Committee on the Post-Office and Post-Roads.

It is well known that the system of letting mail contracts has resulted in abuses involving millions of dollars. Yet not a single thing has been done on that subject, so far as I am aware, by the Committee on the Post-Office and Post-Roads.

Mr. MONEY. The gentleman is incorrect when he makes that assertion.

Mr. BLOUNT. Whether they have done it or not, those gentlemen have had ample time to consider that subject. Again there have been complaints of attempts to put legislation on the appropriation bills. Sir, the legislation on the Post-Office appropriation bill has come not from the Committee on Appropriations but from the Committee on the Post-Office and Post-Roads, legislation involving the reclassification of mail matter, and various propositions of that kind. And complaints have been made that the Committee on Appropriations would not allow on the appropriation bill all the legislation which has been suggested by the Committee on the Post-Office and Post-Roads.

I undertake to say that if there is a committee of this House with great questions before it, enough to occupy it for the whole session in maturing legislation which will result in the improvement of the public service, it is the Committee on the Post-Office and Post-Roads.

The gentleman talks about the propriety of referring the appropriation bills to that committee because of the subjects to which those appropriations relate. Sir, there is no mystery about those appropriations. Here are the estimates on a single page; one item involves $10,000 for railroads, and you may go all through them and there is no mystery about them. There is the statement of receipts and expenditures and an estimate concerning the growth of the service, submitted to us every single year. There is no man who cannot take these simple figures and reach a proper conclusion as to what should be done. There is no legislation involved in it.

If gentlemen will examine the RECORD in reference to the appropriations for the postal service they will be astonished to see how simple a thing is that for which the gentleman is struggling, and in regard to which he is complaining that the Committee on Appropriations are attempting to seize all the power in this House. But the gentleman said awhile ago in reply to the gentleman from Kentucky [Mr. BLACKBURN] as to certain increases of appropriations which he had supported——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHITTENDEN. I was not present yesterday when the Committee of the Whole was engaged in considering the report of the Committee on Rules; but if I understand the situation at the close of yesterday's session, the new rules have been made to provide for three appropriation committees, and it is now proposed to provide for a fourth.

Now, unless we, the representatives of the people, are to invent some substitute for industry and economy, making money free to all; unless it be wise for us to have two or more Speakers of this House, I cannot, for my life, see why we should have two or more appropriation committees. Did any man in his right mind ever send a good ship to sea with two equal masters? Can any household or any government prosper with its treasury wide open to each member of the household as a committee on appropriations? The case seems to me to admit of no argument. The provision in the rules as they now stand for three appropriation committees seems to me as absurd as it would be to propose the election of two more Speakers, of equal authority with the present incumbent. I can see no substantial difference in the cases. These appropriation committees, if the door of the Treasury is opened to them all, will inevitably deplete the Treasury, if they are human. It is necessary for the Government to control the Treasury. It cannot do it under any such system of rules as would allow each of the standing committees of the House to fix and determine its own appropriations. The case, as I have said, does not admit of argument. The truth of it must be obvious to every man who will take the facts home for his own private consideration, free from prejudice.

I hope that we shall be permitted to adopt these rules substantially as presented in the report of the committee. They are universally admitted to be an immense improvement upon the one hundred and sixty-six rules that we now have, a piece of patchwork nearly one hundred years old, which no one can pretend to understand. Every member can

understand these forty-seven propositions. They are probably not perfect; but a little experience will enable the House to perfect them. It does seem to me in the last degress a waste of time for this House to go on day after day, week after week, and month after month discussing practically the question whether we shall open the Treasury for an eager scramble by all the committees. For my part I hope we shall speedily have done with this question and pass the rules substantially as they came from the committee. It was a great work for that committee to bring in unanimously such an improvement upon the present rules. Their revision is, in my judgment, worthy of our instant approval.

Mr. VALENTINE obtained the floor.

The CHAIRMAN. The Chair will remind the gentleman from Nebraska that debate on the pending amendment is exhausted.

Mr. ROBERTSON. I rise to a question of order. The gentleman from Georgia [Mr. BLOUNT] offered an amendment *pro forma,* and spoke in favor of that amendment. The gentleman from New York [Mr. CRITTENDEN] followed upon the same side. The other side of the question has not been heard. I submit to the Chair whether the other side cannot be heard upon an amendment on which debate is limited to ten minutes.

The CHAIRMAN. The gentleman from Georgia proposed a mere formal amendment to strike out the last word, and occupied his five minutes. The gentleman from New York arose and discussed, as the gentleman from Georgia had done, the general question involved in the amendment proposed by the gentleman from Mississippi. Of course the Chair could not know when the gentleman from New York arose what he proposed to say; and when he had proceeded with his remarks no question was made as to his being in order.

Mr. ROBERTSON. Has not debate been exhausted on the amendment?

The CHAIRMAN. It has.

Mr. ROBERTSON. I move, then, as a substitute for the amendment of the gentleman from Georgia, to strike out the two words preceding the last word.

The CHAIRMAN. The Chair has announced distinctly that the gentleman from Georgia has moved to amend by striking out the last word; and until that amendment is withdrawn by the consent of the committee or disposed of by a vote, no further amendment will be in order.

Mr. BLOUNT. I withdraw my amendment.

Mr. ROBERTSON. I renew the amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Nebraska, [Mr. VALENTINE.] He will recognize the gentleman from Louisiana [Mr. ROBERTSON] presently.

Mr. VALENTINE. I renew the amendment to strike out the last word. I hope the Committee of the Whole will adopt the amendment of the gentleman from Mississippi, [Mr. MONEY.] I believe it is in the right direction. Two months ago to-day I introduced a resolution into this House, calling upon the Post-Office Department for information as to why the mails were not carried upon certain railroads in the West and why increased facilities, as demanded by the interest of the people, were not given. A few days after the introduction of that resolution the chairman of the Committee on the Post-Office and Post-Roads came to me and said that his committee had all the information from the Department as called for by that resolution, stating that they had sent to the Committee on Appropriations estimates in the shape of a deficiency bill. I immediately called upon the gentlemen composing the sub-committee on appropriations having charge of appropriations for the Post-Office Department and urged upon them the nesessities of the people in my own State. I was informed by the chairman of that sub-committee that they were so busy, that the work of the committee was so great, that they could not report back that deficiency bill until after the recess. Time and again I have been urging those gentlemen to report this deficiency bill. I was informed by the gentleman from Kentucky [Mr. BLACKBURN] that they had, under instructions of the House, entered upon an investigation of the star service, and until that was completed no appropriation bill for deficiencies of the Post-Office Department could be reported.

During the last year there have been added to the inhabitants of the State of Nebraska from one hundred thousand to one hundred and twenty thousand people by immigration. There have been built over five hundred miles of railroad, on many miles of which to-day the mails are not carried. On others the pouch service is the only service we have, for the reason that the appropriation for postal clerks has been exhausted by reason of the great revival in the business of the country during the year. A few day ago I introduced and asked unanimous consent to have at once considered a resolution directing the Committee on Appropriations to report the Post-Office deficiency bill in their hands to this House, excepting the items of appropriation for the star service. This I left out on account of the investigation now being made. Objection was promptly made, and made by a member of the Committee on Appropriations, who, not content with simply objecting, added to his objection language uncalled for and unnecessary, if not discourteous. As that committee is so crowded with work, I feel that it ought to be relieved. This is now a good time and a good opportunity by adopting this amendment to relieve it of some of its work. I think it ought to be done.

We have a Committee on Expenditures in the Post-Office Department, of which I am a member. But when an examination into such expenditures is proposed to be made we see the Appropriations Committee coming forward by one of its own members and asking that they be instructed to make such investigation. The Committee on Appropriations being thus crowded with outside work, which by the rules belongs to other committees, I think this amendment should be adopted. If the Committee on the Post-Office and Post-Roads is allowed to report appropriations for the postal service, I believe that service throughout the country will be benefited thereby.

Mr. CONGER rose.

Mr. BLACKBURN. I wish to make any amendment which will afford me an opportunity to reply to the personal remarks of the gentleman from Nebraska.

Mr. CONGER. I have the floor.

Mr. ROBERTSON. I rise to a question of privilege.

The CHAIRMAN. The Chair will state the rule and conform to it unless there is something in the case to make it an exception. The rule is that no gentleman can be allowed to speak more than once until other gentlemen desiring to speak have been heard.

Mr. BLACKBURN. Does not that apply to amendments as they may be offered?

The CHAIRMAN. It does.

Mr. BLACKBURN. I am, then, asking to oppose the amendment of the gentleman from Nebraska.

The CHAIRMAN. That is true; but the Chair has recognized the gentleman from Michigan. If the gentleman from Kentucky, however, wishes to make a personal explanation——

Mr. BLACKBURN. No, sir; I am not willing to dignify the thing by asking to make any personal explanation in reference to it.

Mr. ROBERTSON. Is the gentleman rising to a personal explanation or speaking to the amendment?

The CHAIRMAN. The gentleman from Kentucky has taken his seat, and is not speaking to the amendment, and he does not ask to make any personal explanation.

Mr. BLACKBURN. I have taken my seat, because the floor is refused me.

Mr. ROBERTSON. Then I have the floor.

The CHAIRMAN. No, sir; the gentleman from Michigan has the floor.

Mr. ROBERTSON. I have to say then that I have three times addressed the Chair. Previous to his giving the floor to the gentleman who has just taken his seat the Chair said he would recognize me next.

The CHAIRMAN. The gentleman is mistaken. The Chair informed the gentleman from Louisiana distinctly that he would recognize him after the gentleman from Michigan who is now upon the floor.

Mr. ROBERTSON. The question will rise again whether the debate on this amendment will not be exhausted after the gentleman from Michigan has closed his remarks.

The CHAIRMAN. The Chair will say to the gentlemen on the floor who seem to be anxious to address the committee on this subject, that as long as anybody sees proper to offer an amendment, either a substantial or a formal one, it will be in order to do so, provided only no more than two amendments are pending at the same time. As soon as one is voted on another will be in order, and the Chair hopes in that way an opportunity will be afforded to every gentleman to be heard who desires it.

Mr. CONGER. This does not come out of my time?

The CHAIRMAN. It does not.

Mr. CONGER. Mr. Chairman, in common with a good many other gentlemen of this committee, I have not been in favor of taking from the Committee on Appropriations the performance of their usual, regular, long-accustomed duty. In general, I am in favor of having a Committee of Appropriations who shall take the laws of the United States as they find them on the statute-book in regard to salaries and all expenditures specifically provided for by law and embody them in regular appropriation bills on those subjects. I think as a rule perhaps it would be dangerous to the business of the House, perhaps dangerous to the business of the country, to have all appropriations distributed among the committees appointed to propose legislation in regard to those subjects. I make this broad distinction and I wish I may have order while I am speaking——

The CHAIRMAN. The Chair hopes that the gentleman will have order in the House, but it seems impossible to secure it.

Mr. CONGER. I repeat, sir, I make this broad distinction which does not seem to be made by many in talking on this subject. I hold the committees, to which is referred by our rules and practice the control of particular subjects, like the Naval Affairs, Military Affairs, post-office matters, and things of that kind, being those matters committed to them for the express purpose of advising this House what legislation is necessary on them—I hold those committees have the absolute power and control—as far as we give it to any committee in the House, to shape and fashion and originate and press forward such legislation as well on salaries and appropriations as on all other subjects committed

to them which can come before this House. It is their duty to do it. If they complain there is not a sufficient appropriation for a particular subject, it is their duty to bring in a law beforehand in order to make it necessary to make appropriation.

I have not time to dwell on that, but I hold on the other hand, as a counterpart to that power of all the committees, that the Committee on Appropriations should be confined to carrying out the laws which are passed in pursuance of the recommendation of other committees. They should be held to make appropriations according to law; they should not invade the domain of other committees and proposed legislation the subject-matter of which has been committed to committees equally conversant with it, and having more time to devote to it and better acquainted with the nature of the service and the wants of the several Departments committed to them. Whenever this House or any House can draw the dividing line so the Appropriations Committee shall appropriate according to law and leave other committees more familiar with their different Departments to propose legislation, we shall have arrived at a time when and a result which will prevent this continual encroachment of one committee on another. We shall then have accomplished what we desire, so that each member shall stand as the law recognizes him, as the equal and peer of every other member, and the committees of this House shall stand here as the equals and peers of every other committee, entitled to like respect and similar confidence of the House. When that is done, sir, we shall have removed one of the greatest hinderances to legislation. More than that, we shall have removed one of the greatest hinderances to good legislation. I say that from a long observation of these conflicts and these jealousies and these suspicions and these criminations of members against committees and of members against individual members of committees. If we will make further rules to hold committees to their proper and legitimate work, the business of this House will go on with a correctness which it has never reached in my experience. Until then, in my opinion, we shall have this continual jangling, this continual desire to detract from the Appropriations Committee and take from it even the rights which it has.

And allow me to say before closing, that if we cannot hold the Appropriations Committee to the performance of its proper and legitimate duty in this House, then for one I will go with all other men who will go with me, first to shear them of their assumed powers and if necessary to reduce them to a position where they will have but little power in this House.

[Here the hammer fell.]

Mr. ROBERTSON. I move to strike out the last word in order to yield my time to the gentleman from Mississippi, [Mr. MONEY.]

Mr. MONEY. Mr. Chairman, nothing was further from my intention than in any way to misrepresent language used by the gentleman from Kentucky; but if I have failed to represent him correctly, it is from a misconstruction of his language, which I now beg to read to this House. The gentleman, in speaking on this subject, uses this language, which I take from this morning's RECORD:

> If this proposition for the distribution of the appropriation bills shall be adopted without limitation, and then if the only safeguard that we hold to-day under the rule upon the people's Treasury is to be stricken down, I sincerely, honestly, and earnestly trust that the report made by the Committee on Rules in the shape of a revision, so mangled and marred, with all its sins, if it has any, and with whatever good may belong to it, may be rejected and spewed out of the mouth of this House.

That is the gentleman's own language—"spewed out of the mouth of this House."

Mr. BLACKBURN. And I say that now.

Mr. MONEY. Exactly. Then I gave the proper construction to the language of the gentleman from Kentucky.

Mr. BLACKBURN. What is the statement?

Mr. MONEY. That I gave the proper construction to your language.

Mr. BLACKBURN. On the contrary, the gentleman misconstrued it as broadly as it was possible for human ingenuity to do so.

Mr. MONEY. Very well, sir. If I have misconstrued the language of the gentleman, as I find it in the RECORD——

Mr. BLACKBURN. What page?

Mr. MONEY. If I have misconstrued the gentleman's language, then, in justice to myself as well as to him, I take great pleasure in absolving him from the intention which in my view his language plainly expressed. But to proceed with the matter under discussion. How was it possible that a committee charged with the responsibility of reporting an appropriation bill upon a subject which it is presumed to understand, from the very nature of the charges imposed upon it by the House in its organization, can be any less held to their responsibility by the Committee of the Whole House than any other committee in this House?

Sir, no committee of this House passes an appropriation bill. These committees are the eyes, the ears, and the hands of the House to obtain for it the information needed for intelligent legislation. And when a committee has reported a bill to the House it has fulfilled its whole duty, and it then rests with the Committee of the Whole to make the appropriation that in its judgment may be necessary.

Now, Mr. Chairman, as far as investigation is being conducted by the Committee on Appropriations, with that I have nothing whatever to do; I have no concern whatever with that. The gentleman from Kentucky mistakes me much if he supposes I have at any time appeared or will hereafter appear upon the floor of this House as the champion of any man in the executive department of the Government or elsewhere. But I beg to remind him I have on the floor of this House spoken, not in the language of invective but in terms of animadversion on the very officer whom he is now investigating, more severe than were used in my hearing by any other member on this floor. I said I suspended my judgment until the gentleman should have made his report and submitted to this House any evidence he may accumulate.

But what has that to do with the matter under consideration? In the administration of the postal affairs of this country are we to punish the people of the whole country for the sins of one man? We have heard of the vicarious suffering of one for the sins of the many; but the gentleman would punish the whole country for the sins of one man if he is proved guilty.

Mr. BLOUNT. I wish to ask the gentleman a question. Whose proposition is that?

Mr. MONEY. I beg the gentleman will not interrupt me in the short time I have.

I ask where is the danger spoken of by the gentleman from Kentucky in the diffusion of power? We have been taught the great danger to be dreaded was in a centralization of power, not in its diffusion. We have been taught to apprehend that was the one evil which the people of this country should be taught to guard against most sedulously. But now we are taught that a diffusion of power among the members of this House is dangerous to the interests of the country and to the public service.

It is impossible, Mr. Chairman, in the nature of things that the rules as they stand to-day reported by the Committee on Rules shall promote the public service as much as they would with the amendments which have been offered from time to time. Sir, there is a higher statesmanship than consists merely in reducing expenditures. There is such a thing as understanding the necessities of a country like ours which is increasing its population one and a quarter millions every year—a country that demands something for its development rather than for the restriction of its service.

If it be so, if we have no greater duty than to see to what minimum we can cut down the expenditures of this Government, then we have little business here. I am in favor of economy; I am in favor of a judicious expenditure of the public money; I am in favor of strict accountability for official conduct; but I am in favor at the same time of that sort of legislation in the way of appropriations that will develop the resources of the country, that will stimulate all the sources of revenue, that will give the people of this country, expanding every year, proportionately extended privileges, and that will better bring into communication with each other all the communities over the whole breadth of this land.

For these reasons I ask the Committee of the Whole to remit this question of appropriations for the Post-Office Department to the Committee on the Post-Office and Post-Roads. I credit the gentlemen on the Appropriations Committee with the fullest measure of zeal for the public service; but I claim the same credit for the members of the committee to which I have the honor to belong.

[Here the hammer fell.]

Mr. BAKER. I rise to oppose the amendment.

I desire to say, Mr. Chairman, that as I have not either during the general debate or during the five-minute discussion said anything at all on the question of the revision of the rules, I trust I may have the attention of the committee during the five minutes which I may now occupy.

Mr. Chairman, my judgment convinces me that it would be one of the most unwise and unfortunate things that could happen to the legislation of this House if the work that has heretofore been confided to the Appropriations Committee should be taken from it and distribute it around among the various legislative committees of this House. There is a natural tendency on the part of every committee that is charged with the general subject of legislation to draw to itself whatever power it may be able to draw; and if in addition to the power that it now has it is clothed with the further power of appropriating for all the wants of the service it has in charge, the natural tendency would be to increase the amount of appropriations so that they would get beyond the control of the House.

I believe, Mr. Chairman, that it would be almost fatal in a party sense to the party having control if they were to disperse among eight or ten different committees the subject of appropriations. It would be an illogical course. It would put it beyond the power of the House to control the appropriations; for the reason, Mr. Chairman, that no one except those who are charged specially with the investigation of the subject can have the minute information essential for the guidance of the committee that has charge of the bill.

But while I consider that it would be unwise to distribute this power, I cannot permit myself to disguise the fact that we ought at least in the distribution of work in the various committees of this House to be logical and sensible in making that distribution. If the Committee on Appropriations is to be charged not only with the appropriate work of

appropriations, but if in addition to that it is to have the same power in reference to the origination of the general legislation that is confided to the various committees of the House, so as to make it in fact not only the representative of the legislative power of all the committees but having in addition its own peculiar power besides, I say the logical balance of our system of legislation is disturbed. This power can only be fittingly lodged in the hands of the several committees of the House who are charged with this legislative power.

It logically follows that if with the power of recommending appropriations there is to be coupled the power to originate general legislation, that power ought to go to the committees that are generally charged by the House with the exercise of such legislative power. For one I can see no middle course. It will hardly do to follow in the line indicated by the gentleman from Pennsylvania, to charge the general committees of the House with the preparation of appropriation bills, and then remit them for further consideration to the Committee on Appropriations. All legislative experience proves that wherever power is dissipated between two or more committees of the House, so that neither the House nor the country can hold either of them responsible for the bills that are matured and brought forward, there will be not only a failure of proper attention to such bills, but there will be danger of even worse evils than we now experience in the progress of legislation under the present rules.

[Here the hammer fell.]

The question recurred upon the amendment of Mr. ROBERTSON to strike out the last word; and being taken, it was not agreed to.

Mr. KEIFER. I move to strike out the last word.

Mr. CLYMER. That amendment has just been voted down.

Mr. KEIFER. Then I move to strike out the last two words.

Mr. FINLEY. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FINLEY. My point of order is that the amendment of the gentleman from Louisiana [Mr. ROBERTSON] was to strike out the last word, and that amendment has been acted upon.

The CHAIRMAN. But the gentleman from Ohio [Mr. KEIFER] moves to strike out the last two words.

Mr. FINLEY. I understood him to move to strike out the last word.

Mr. KEIFER. I move to strike out the last two words. This seems to be a good time, Mr. Chairman, while considering this subject, to express our opinions generally on a clause in Rule XXI of the new rules reported.

I wish to say that I am opposed to the pending amendment in relation to the transfer of the Post-Office appropriation bill from the Committee on Appropriations to the Committee on the Post-Office and Post-Roads; that is, I am opposed to it provided Rule XXI shall be amended as I think it ought to be amended. I desire to say that in my judgment it is better to have one common appropriation committee, whose duties shall be confined entirely to the preparation of appropriation bills in accordance with existing law.

I believe, Mr. Chairman, that if you transfer to the various committees of this House the duties of preparing the several appropriation bills there will be a strife between those committees, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on the Post-Office and Post-Roads, and so on through, each striving to obtain the most appropriations for the Department of the Government directly under its charge, and in that way we will necessarily augment the annual appropriations beyond the ordinary revenues of the Government.

While, however, that in my mind would be a great evil, it would be simple and insignificant in comparison with the evils that would result from the operation of clause 3 in Rule XXI as now reported, and which have resulted from the rule as it now exists. That clause is a mere trap. It has been claimed by our distinguished Speaker that it furnishes the great means of reducing appropriations and saving money to the people. But I have observed in this Congress, I observed in the last session, that the sole purpose of that clause was to enable the Committee on Appropriations to hang political legislation on appropriation bills. Under the guise of that clause of our rule, we were here during the last session for more than three months, standing face to face and eye to eye, fighting over the question as to whether we should repeal our election laws, and whether we should by a law of this Government make it a crime to keep the peace at the polls on election days. There was no such thing as retrenchment intended. All that was intended was to coerce the minority of this House and to coerce the Executive of this Government to submit legislation dictated by the majority of this House on the other side. That is what is meant by this clause under the guise of retrenchment to force legislation upon appropriation bills.

Let me give you an example that is not political. I remember that in the Forty-fifth Congress, by more than a two-thirds vote of this House and by a unanimous vote of the Senate, regardless of party, we passed what was known as the letter-carrier bill; yet when this same Appropriations Committee came to deal with that matter they said in substance that the House and Senate that passed the letter-carrier bill and the Executive who approved of it did not understand the subject. They said they would cut that bill to pieces or they would make no appropriations at all for the purpose. That committee came in here with an appropriation bill containing a very small sum of money for the letter-carrier branch of the service, and with new legislation, proposing altogether to repeal and overthrow the action of the House and the Senate. We fought that committee here for a whole day to compel it to make appropriations in accordance with existing law. That committee did not report those provisions under any guise of retrenchment.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I move that the committee now rise for the purpose of obtaining from the House an order to close debate upon the pending paragraph.

The motion was agreed to, upon a division—ayes 93, noes 23.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules and had come to no resolution thereon.

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Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the report of the Committee on Rules, and pending that motion I move that all debate upon the pending paragraph and amendments thereto be limited to one minute.

Mr. MONEY. I move that the House now adjourn.

The motion was not agreed to.

The question being put on the motion of Mr. BLACKBURN to limit debate in Committee of the Whole, it was agreed to.

The question recurring on the motion that the House resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. CARLISLE in the chair) and resumed the consideration of the report of the Committee on Rules.

The CHAIRMAN. By order of the House all debate upon the pending clause and pending amendments thereto is limited to one minute. The question is upon the amendment of the gentleman from Ohio [Mr. KEIFER] to strike out the two last words. If there be no objection this amendment, being *pro forma* merely, will be considered as withdrawn.

There was no objection.

The question then recurred on the amendment of Mr. MONEY to strike out the words "other than" and to insert the word "including;" so as to make the clause read:

To the Post-Office and post-roads, including appropriations for their support; to the Committee on the Post-Office and Post-Roads.

The question being taken on the amendment, there were—ayes 75, noes 89.

Mr. MONEY. I call for tellers.

Tellers were ordered; and Mr. MONEY and Mr. FINLEY were appointed.

The committee divided; and the tellers reported—ayes 90, noes 97.

So the amendment was not agreed to.

Mr. HARRIS, of Massachusetts. I move to amend the pending clause by striking out the words "other than appropriations for their support," and adding after the word "Roads," in the last line, the words "and said committee shall report the general appropriation bill for the support of the Post-Office and post-roads, which shall be printed and referred to the Committee on Appropriations."

The question being taken on agreeing to the amendment,

The CHAIRMAN said: In the opinion of the Chair the amendment is not agreed to.

Mr. HARRIS, of Massachusetts, called for tellers.

Tellers were ordered; and Mr. HARRIS, of Massachusetts, and Mr. SPRINGER were appointed.

The committee divided; and the tellers reported—ayes 76, noes 87.

So the amendment was not agreed to.

The Clerk read as follows:

13. To the lands of the United States: to the Committee on the Public Lands;
14. To the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs;
15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;
16. To railways and canals, other than Pacific railroads: to the Committee on Railways and Canals.

Mr. CABELL. I move as a substitute for the clause last read the following:

To the improvement of the navigation of rivers and to railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

Mr. FRYE. If the gentleman from Virginia will allow this amendment to go over till to-morrow, I will move that the committee now rise.

Mr. CABELL. That will be agreeable to me, if it is the sense of the committee.

Mr. FRYE. I move that the committee rise.

The motion was agreed to, there being—ayes 117, noes 37.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole

had had under consideration the revision of the rules, and had come to no resolution thereon.

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FEBRUARY 5, 1880.

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Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole to resume the consideration of the report of the Committe on Rules.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the revision of the rules.

The pending clause was the following:

16. To railways and canals, other than Pacific railroads: to the Committee on Railways and Canals.

The pending question was upon the following substitute for the clause, offered by Mr. CABELL:

To the improvement of the navigation of rivers, and to railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

Mr. CABELL. Mr. Chairman, the amendment which I have submitted proposes simply to restore to the Committee on Railways and Canals that jurisdiction conferred upon it by the existing Rule 94. In behalf of the committee which I represent I ask only that we be left where the old rule, Rule 94, has placed us from 1831 down to the present time. We have not during this discussion asked for any increase of power or jurisdiction for our committee; we simply ask that in the revision of the rules this Committee on Railways and Canals shall not be singled out to have taken from it that jurisdiction which has belonged to it from the time of the organization of the committee as one of the standing committees of the House.

It is true, Mr. Chairman, that the contest which has heretofore existed between the Committee on Commerce and the Committee on Railways and Canals has been greatly narrowed by the action of the Committee of the Whole in giving to the Committee on Commerce those large and extraordinary powers which for years it has claimed. I am not here to complain of the action of the Committee of the Whole House for doing this. I have nothing but kindness for the Committee on Commerce. I am not unwilling even that that committee shall be clothed with the great powers which have been conferred upon it by the Committee of the Whole since this discussion commenced; but I am not willing that by reason of the fact that new and additional powers have been conferred upon the Committee on Commerce that the rights, the powers, and the jurisdiction belonging to the Committee on Railways and Canals shall be taken from it to satisfy others grasping after power.

I hope no member of this committee will believe we are here asking for any additional powers; that we are asking in any way to extend our jurisdiction. We simply ask that the same jurisdiction which has pertained to this committee for years shall be allowed to remain with it. There is no reason why the jurisdiction should not remain because of the fact that additional powers have been conferred on the Committee on Commerce. It is perhaps true that under the rule as lately framed in relation to the Commerce Committee that committee can now consider and report upon questions bearing upon the navigation of rivers with perhaps as much warrant of authority as can Railways and Canals under the original Rule 94, but I take it that the Committee of the Whole did not mean by its action to prevent the Railway Committee from the legitimate exercise of its functions in regard to subjects of the same or a similar character when referred to it by the House.

[Here the hammer fell.]

Mr. BEALE. Mr. Chairman, I belong to that class of members here who deprecate in this discussion of questions arising upon this report any indication of a political partisanship, and trust that we shall bring to their solution a comprehensive patriotism which will secure that system of rules which will enable us to do the business of legislation smoothly and speedily.

On coming to Congress I looked at once to our rules. I found it indeed *rudis indigesta moles*—a rude, unmethodized mass, and aptly illustrated by some mediæval castle in Europe, to which addition after addition was made as the necessities or whims of its successive owners demanded, and in which none save those who had longest inhabited it could successfully thread the labyrinthine passages and stairways which led to its chambers and halls.

As an humble member I return in no stinted measure my thanks to the Committee on Revision of Rules for this reduction of chaos to order; this erection of a modern house more suited to the needs of our day than the old castle; and trust it may be adopted as a monument of our wisdom, long to survive the fluctuation of party ascendency on this floor. A member of the Committees on Commerce and Manufactures now, and in years gone by of that on Militia, I speak in the interest of neither. Indeed, too fond of inglorious ease, looking to the actual present work on Commerce and the prospective labor of Manufactures when indued with powers sketched by the distinguished member from Michigan, and remembering that that grand display of fireworks at Gettysburgh did not awake the Militia Committee from its slumbers, I might adopt the language of Byron and say of the Militia—

> Oh, known the earliest and esteemed the most,
> Dear to a heart where none is left so dear.

In reference to the preceding amendment of my colleague, I must say I have for him and his committee the kindest regard; but Rule 94, adopted in 1831, was still-born; it never lived. Of forty-three bills embracing river improvements referred from 1831 to 1879, thirty-five went to the Committee on Commerce. Again, in 1854, in 1874, and in 1879, this same rule was presented and debated by members of the Committee on Railways and Canals, and each time the House gave the subject to the Committee on Commerce. And good reason for this: you cannot separate the river from the harbor, because the improvement of the river often opens and improves the harbor.

I feel no solicitude for the fate of river and harbor bills, commit them to what committee you may. Next to agriculture as a factor in the sum of the welfare, the happiness, the financial success and national power of the people of this Union, commerce will ever find the friends upon this floor to heed her behests. All highways are a nation's property. True the grand rivers and capacious bays present the noblest collections of the waters of our land; but to these every rill that trickles from the mountain-side, every fount that bubbles in the valley adds its mite; and even so every creek improved, every river deepened, pours its little tribute into the great highways of commerce and advances the general welfare, the highest interests of all.

Mr. FROST. I move the following amendment to the substitute.

The Clerk read as follows:

Amend substitute for section 16 by inserting after the word "rivers," "excepting the Mississippi River and its tributaries:" so it will read:

"To the improvement of the navigation of rivers, excepting the Mississippi River and its tributaries, and to railways and canals, other than the Pacific railroads: to the Committee on Railways and Canals."

Mr. FROST. Mr. Chairman, it is not my fortune to belong to any committee which is directly interested in the question now pending, but it seems to me, after carefully listening to the debate on this floor, it is of the utmost importance to the Mississippi Valley that the substitute proposed should be adopted by this House. I believe that the Committee on Commerce has by far too many subjects now occupying its attention, and that it is unable to give that time and care to the consideration of the Mississippi River and its tributaries which they deserve on account of their magnitude and importance.

I can cite an instance which has recently occurred and which fortifies me in that belief. It so happens that the harbor at Saint Charles, on the Missouri River, is now very seriously endangered by an alteration in the channel of that river. The channel is deflected from the left bank of the river in such manner that it threatens to leave the city of Saint Charles at a distance of several hundred yards and perhaps a quarter of a mile from the river bank. It is taking such a course that it threatens to pass under the bridge in such a position as absolutely to preclude the possibility of any steamboat ascending the Missouri River, thereby closing that river against all navigation whatsoever.

I went this morning, having received letters making this statement, to the able chairman of the Committee on Commerce, who informed me that, owing to the pressure of business before his committee, he would be unable to entertain the consideration of this question for some time to come. But, sir, the people of Saint Charles and the people who are interested in the navigation of the Mississippi and Missouri Rivers are unable to wait upon the time of the Committee on Commerce in this way. Sir, I wish to make no reflections on that committee. They are laborious and hard-working gentlemen, and they are doing their utmost to keep up with the business brought before them, but it is of such a character that they are unable to do so.

I had no intention of participating in this debate until the gentleman from New York [Mr. COX] let fall some remarks which seemed to me to require an answer that it would not be unbecoming in me to attempt. He favored the proposition changing section 3, by which the river and harbor bill was to be reported from the Committee on Commerce for reference to the Committee on Appropriations, and he favored it because he said it was in the interest of economy. He referred with pride to the good old days before the war when he served with the gentleman from Texas—to the times when, he says, there were hardly any appropriations made for internal improvements. There is, sir, an economy which starves the goose which lays the golden egg; there is an economy which is preached abroad in order to cover up prodigality at home. If that is the kind of economy which the gentleman from New York admires, I, for one, love it not.

He tells us, sir, of legislative liberty and pecuniary libertinism. I can match that alliteration, and I can support mine with facts. If I were called upon to define the system which had been adopted in the past with regard to internal improvements, I should call it one of comparative prodigality in the East and parsimony in the West. Prodigality and parsimony are as alliterative and as antithetical as liberty and libertinism, and I can support them, sir, with facts.

In Senate Document No. 12 of the Forty-fifth Congress I find the total expenditure for internal improvements of all kinds from 1789 to 1873 was $207,999,664. Of that amount the Mississippi Valley States received $33,782,662, and the Atlantic and Pacific seaboard $81,300,000. nearly two and a half times as much. The State of New York and the States of New England received $29,000,000, with a population less than half of the Mississippi Valley States; pecuniary libertinism squandered upon them nearly as much money as this entire system received.

We have spent $2,089,730 removing the obstructions at Hell Gate, and but $7,000,000 on the Mississippi River; but when the great West asks for justice at the hands of Congress, the gentleman from New York talks of pecuniary libertinism and invokes the shades of Jefferson and Calhoun and the memory of the purer days of the democracy. Does he not remember that Calhoun, in his report on the Memphis memorial in 1846, advocated liberal appropriations for the Mississippi, an inland sea, as he called it, and its tributaries. I do not wish, sir, to assume the airs of a prophet, but I think I may safely say that whosoever places himself in antagonism to the improvement by the General Government of the waters of the Mississippi Valley will find himself with Buckingham when Dryden says of him, "He left not party, but of it was left." The center of population, if not already there, will shortly take its permanent abode on that "Father of Waters." After the next census that valley will furnish the majority of the members of this House. I trust that they will never manifest a sectional spirit or ignore the just claims of any portion of this Republic; but I am certain that they will be content with nothing short of a full and complete recognition of the importance of the interests which they represent, and that from the day of their predominance here we shall have no parsimony or prodigality or pecuniary libertinism, but a broad, liberal, and enlightened appreciation of the common commercial interests of our common country.

Under both the existing rules and the report now under discussion, the Committee on Commerce makes appropriations for all the rivers and harbors of the country; they bring in an omnibus bill which in the past has frequently contained items of expenditures by no means devoted to objects of a general nature. Objects of a general, national nature, like the Ohio River, are found cheek by jowl with Stone Creek or the Kiskiminetas, unknown to everybody except the gentleman in whose district they may lie. The bill is thus overloaded, and is periodically in danger of being entirely lost; so much of its appropriations going to utterly unworthy objects and so little to those of general importance. Again, gentlemen of the strict constructionist school, and I congratulate my friend from New York as being one of them, are impelled by their principles to vote against such an omnibus bill, while they would gladly lend their aid to the improvement of a national highway like the Mississippi. For these reasons, sir, I am convinced that one committee of this House should be solely occupied with the consideration of all matters pertaining to the Mississippi River and its tributaries. The most proper committee is evidently that on Levees and Improvements of the Mississippi River, and not the Committee on Railways and Canals.

But I am told that if a special bill is reported for the western system of waters it can never pass this House; that unless an omnibus river and harbor bill be brought forward, in which every congressional district shall have an interest, those gentlemen who fancy their localities neglected will band together and defeat a Mississippi River bill; that we can only pass such a bill by tacking on to it every stream large enough to float a scow and every harbor deep enough to afford a refuge to a mud-turtle. Sir, I have not been long a member of this House, but I have sat here long enough to feel convinced that there prevails here no such log-rolling spirit. I believe that there are in this body enough men with a statesman-like recognition of the general interests of the country to unite together and force the passage of any bill required by the growing interests of western river navigation. But, sir, even if Congress were controlled by any such petty, narrow, local selfishness as such arguments would impute to it, it becomes all the more important to separate the Mississippi system from the remaining rivers and harbors.

If internal improvements can only be carried on by a disgraceful system compounded of intimidation and bribery, who so potent to threaten and who so numerous to hold forth promises of aid as the Representatives from the great basin of the continent, where lie eighteen States, empires in themselves, with more than half of the population of the Union? If log-rolling is to rule the day, the committee that has charge of the interests of that section can put more shoulders to the work and lift a larger log than any other on this floor. No, sir, there is nothing in such an argument, there is no such wretched spirit prevalent here, and if there were it would be impotent to harm. In the remarks I have made I have no intention of reflecting in any manner upon the members of the Committee on Commerce; they are all of them men whose views are not circumscribed by the boundaries of their States. I have never approached one of them on a subject relating to western interests who has not evinced a hearty desire to advance them in every proper manner; but for the reasons I have urged above I am satisfied that by the proposed change that committee will be eased of a grievous burden and our river and harbor legislative needs facilitated. I regret that some of my colleagues from my own State, for whose judgment I have the highest regard, do not agree with me in this matter, but entertaining the convictions I do I am compelled to advocate the amendment I have offered.

[Here the hammer fell.]

Mr. CABELL. I am sorry, Mr. Chairman, the gentleman from Missouri has presented his amendment to the substitute I have offered, because I prefer that my substitute should be adopted so as to leave to the Committee on Railways and Canals the same jurisdiction it has exercised heretofore under the rules, and that jurisdiction only. We claim no more and I ask no more. We never supposed the Committee on Commerce would desire to take from us that jurisdiction which for years we have possessed. We do not believe the Committee on Rules, when they came to consider this question, really desired to encroach upon our prerogatives and take from us any of the jurisdiction we had, but that it was an oversight on their part, when they considered this matter in connection with the duties of the Committee on Commerce, in taking so much from railways and canals and giving so much to commerce.

I have no objection to the gentleman's amendment when offered at the proper time. It may, perhaps, be appropriate that all questions relating to the improvement of the tributaries of the Mississippi should be considered by the committee having in charge matters pertaining to the improvement of that great river. I wish to throw no obstacles in the way of other gentlemen or other committees. But I am unwilling, sir, that the amendment should come in just here. I prefer to have this matter disconnected with any other and to leave the jurisdiction of the Committee on Railways and Canals as it has been for many years, and as I believe the House desires it to remain to-day.

In regard to what my colleague from Virginia [Mr. BEALE] has said when referring to the contests which have taken place between the Commerce and Railways Committees, I have only to say that my colleague seems to be very badly informed as to the state of facts in regard to which he has spoken, and has wandered very far from the true state of the case.

There have been but three or four contests between the two committees named until within a very recent period. There was a contest in the Twenty-third Congress; also a contest in the Thirty-second Congress, and perhaps one or two after that time; and up to the Thirty-eighth Congress, and in almost every instance, the vote of the House was given in favor of sustaining the claims of the Committee of Railways and Canals as against the Committee on Commerce. Yet my friend has stated that in not a solitary instance was the Railway Committee sustained. I grant that within a year or two past, and since the Committee on Commerce has assumed such large jurisdiction and acquired so much power in the House, power which enables it to do almost anything here, the decisions have been in its favor; but, to use the language of my colleague, "in not a solitary instance" was the Commerce Committee ever sustained in its contests with the Railway Committee in reference to the navigation of rivers until of late years, when it had acquired a power and influence in the House not to be resisted. But we have no conflict, sir, with the Committee on Commerce. That matter was settled some days ago by the action of the Committee of the Whole. I will say, however, that when the subject was under discussion my friend the chairman of the Commerce Committee claimed, under Rule 79 of the House, only jurisdiction of the improvement of the navigation of rivers concurrent with that possessed by the Committee on Railways and Canals.

Having obtained that jurisdiction the contest should now end and the Commerce Committee should be content to see us left in the undisturbed possession of such matters as may be properly referred to our committee in pursuance of the powers conferred by Rule 94 of the House, all of which powers we ask to be maintained through the amendment I have offered. All, I fear, that can be done now by the adoption of my amendment is to give concurrent jurisdiction with the Commerce Committee upon questions relating to the improvement of the navigation of rivers. It may perhaps be a wise thing for the House to do to have some other committee that may in emergencies go to the help of the overcrowded Committee on Commerce.

[Here the hammer fell.]

Mr. FROST. By request of several members I withdraw my amendment to the substitute, as I understand a similar amendment will be proposed when we reach section 21.

Mr. COX. If the gentleman will allow me I will renew the amendment simply to say a word in response to my friend from Missouri, [Mr. FROST.] I will withdraw the amendment when I have concluded what I have to say.

The gentleman makes comparison between appropriations for Eastern States and the Mississippi Valley. When he makes that comparison as between prodigality and economy he certainly cannot make an *argumentum ad hominem* upon me. I have sustained here all proper appropriations for the Mississippi Valley upon the old democratic Calhoun theory that the Mississippi River, being the "Father of Waters," was almost an inland sea. I have voted for your levee system; I have voted for an appropriation for the Eads improvement of the mouth of the Mississippi River. New York was never niggard toward the Mississippi Valley. I have voted against appropriations for New York, Hell Gate,

and all, when they were combined, as I thought, irregularly and mischievously with other appropriations never contemplated by the fathers of the Democracy.

Mr. FROST. That is the reason why I wanted to divide them.

Mr. COX. The gentleman says he would like to divide them. Let him divide them. It is not a question between parsimony and prodigality. Let him meet me on the middle ground of the men who gave interpretation to this business of appropriations for rivers and harbors in a better and more honest day of the Republic.

I could refer my friend to the messages of democratic Presidents, to the old rules of interpretation, to the days of honesty in the administration of these affairs, before log-rolling became common and before men could combine for this common purpose, for all the little rivers inside of the States. Why, sir, in the old days I remember States undertaking inside of their own boundaries State improvements, slack-water navigation, dams of all kinds; canals were made and railroads, and roads of all kinds We even gave up the old Cumberland road to the State through whi passed it to get rid of this incubus of having these as Federa works.

Mr. WHITE. Will the gentleman allow me to ask him a question?

Mr. COX. With pleasure.

Mr. WHITE. Does the gentleman remember that in 1832 Andrew Stewart, of Pennsylvania, got a resolution through for surveying the Monongahela River, and that in 1836 and 1837 and following years appropriations were made by the American Congress for improving the slack-water navigation of the Monongahela River, in the State of Pennsylvania? And that was in the days of democratic government.

Mr. COX. Will the gentleman from Pennsylvania answer me this question? Did Andrew Stewart, the great tariff man, ever have the audacity to ask for an appropriation for the Kiskiminetas? [Laughter.]

Mr. BROWNE. Or the Conemaugh?

Mr. WHITE. No, sir; the improving spirit of the age had not then developed the great necessities of the Kiskiminetas [laughter] as an important tributary to the Allegheny, which is a tributary to the Ohio, and thence to the Mississippi River, and consequently an important avenue for the commerce of Western Pennsylvania.

Mr. COX. And now I ask my friend, are not the Stony Creek and the Conemaugh tributary to the Kiskiminetas?

Mr. WHITE. No, sir.

Mr. COX. And is there any tributary to the Conemaugh?

Mr. WHITE. The gentleman's knowledge of geography is as antique as his constitutional policy on this subject.

Mr. COX. I decline to yield further.

Mr. WHITE. Stony Creek, I will inform the gentleman, is not on the same side of the Alleghany Mountains.

Mr. COX. Well, sir, we would never know where it was if we did not see the distinguished member here and know where he is located. Now, I have got off the line of my remarks.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITE. For the last few years it has been impossible to locate the gentleman from New York exactly.

Mr. COX. He always comes from the people, and locates himself.

The CHAIRMAN. Does the gentleman from New York [Mr. COX] withdraw the amendment originally offered by the gentleman from Missouri, [Mr. FROST?]

Mr. COX. I do.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Virginia, [Mr. CABELL,] to substitute for the clause reported by the committee what the Clerk will again report.

The Clerk read as follows:

16. To the improvement of the navigation of rivers, and to railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

The committee divided; and there were—ayes 58, noes 63.

Mr. CABELL. A quorum has not voted.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Virginia [Mr. CABELL] and the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. SAPP. Let the amendment be again reported.

The amendment was again read.

The committee divided; and the tellers reported—ayes 63, noes 88.

So the amendment was not agreed to.

The Clerk resumed the reading of Rule XI, and read as follows:

17. To the manufacturing industries: to the Committee on Manufactures;
18. To the mining interests: to the Committee on Mines and Mining;
19. To the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds.

Mr. SHALLENBERGER. I am instructed by the Committee on Public Buildings and Grounds to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out the words "other than" and insert in lieu thereof the word "including;" so that the clause will read:

"19. To the public buildings and occupied or improved grounds of the United States, including appropriations therefor: to the Committee on Public Buildings and Grounds."

Mr. SHALLENBERGER. Mr. Chairman, I offer that amendment by the instruction of my committee, the Committee on Public Buildings and Grounds. We offer the amendment, as we believe, in the interest of economy and intelligent equality of expenditure.

The Committee on Public Buildings and Grounds occupies in this House very much the same relation to an appropriation bill as does the Committee on Commerce. We must authorize the construction of new buildings from year to year. And I ask gentlemen to tell me how it is possible for us as a committee intelligently to say how many new buildings shall be authorized until we know first how much money shall be required for those in process of construction. We have before us as a committee the letter of the Secretary of the Treasury, stating to us that for the current fiscal year we can probably safely expend $5,000,000 on public buildings. We cannot know how much of this the Appropriations Committee shall be induced to set apart on estimates furnished for the buildings now in progress. We never see the estimates therefor; we know nothing about the calculations made therefor; and how can we, as a committee, say that the State of Kentucky, or the State of Pennsylvania, or the State of Ohio, or the State of Mississippi, or the State of Alabama can safely come to this House and demand a new building until we know what the will of the Appropriations Committee may be with reference to the expenditure of public money in sections of our country which appeal to their generosity?

I claim that I stand here in the interest of economy, in the interest of the public weal, pleading for discretion and wisdom in the distribution of public money. And I say that there aims to be no more careful committee on this floor, and there is no more careful chairman upon this floor than the honorable chairman of this committee—no one who desires more to take responsibility upon himself, and to take it intelligently and rightly before the country, for reducing the expenditures of this Government whenever practicable.

In my judgment if we could have before us the estimates for the new as well as for the buildings in process of construction, we would be in a position to come to this House and assure the House that we do not ask the construction of a new building until we have safely compassed all the probable necessities of the Government in all the cities of this Union and in all the States of this Union.

And upon our honor as a committee we pledge to the House our resolution to report nothing unless it be within a stated limitation suggested to us by the Secretary of the Treasury and by the best interests of the Government. I trust that the Committee on Commerce, with every friend of public buildings upon this floor, will stand by this amendment offered in that spirit.

Mr. COOK. I am in favor of this amendment, for several reasons, one of which is——

The CHAIRMAN. The gentleman from Georgia [Mr. COOK] proposes to speak in favor of the amendment. The rule is that five minutes' debate shall be allowed to the one proposing the amendment, and then five minutes to one opposing it.

Mr. COOK. I do not suppose there is any gentleman here who desires to speak against the amendment.

Mr. KENNA. I will take the floor in opposition to the amendment and yield my time to the gentleman.

Mr. COOK. The clause under consideration is a new provision in our rules, one not contained in the former rules of this House—a clause limiting the power and jurisdiction of the Committee on Public Buildings and Grounds. Why it has been put in here, unless in some way to aggrandize the Committee on Appropriations, I do not understand. So far as I know, there has been nothing in the history of the Committee on Public Buildings and Grounds, in any of its recommendations, to justify the reflection upon it that they have been either thoughtless, or careless, or prodigal and extravagant in the recommendations which they have made to this House.

Gentlemen will recollect that an honorable member of this body collected together all the bills for public buildings and grounds that had been referred to our committee, consolidated them into one bill, and then submitted a motion to suspend the rules and pass that bill. I myself, as chairman of that committee, and every other member of the committee, opposed the passage of that omnibus bill, and it was defeated. Instead of obtaining a two-third vote in its favor, there was a two-third vote against it, and that was because of the known and decided expression of opposition on the part of the members of our committee.

No public building can be constructed without an act of legislation, an act of Congress; and each bill must stand upon its own merits. This Government to-day is paying largely over one million of dollars annually for rental of buildings for post-offices and court-houses, &c., all over the country. One object which our committee has had in view is to reduce these extravagant expenditures for rentals, and to furnish the Government throughout the country with proper buildings for its purposes.

I must say that I consider this clause a reflection upon the Committee on Public Buildings and Grounds. That committee is unlike the

Committee on Naval Affairs, the Committee on Military Affairs, or any of the other committees which consider subjects connected with the regular appropriation bills. Each public building that comes up for consideration must have an act of Congress passed to authorize its construction and to appropriate money for it.

I have this further to say in opposition to the general provision in these proposed rules giving all power over appropriations to the Committee on Appropriations. Under a former rule that committee was required to report all the general appropriation bills within thirty days after the meeting of Congress. These new rules leave out that requirement, and we may be here for six months before those bills are reported.

When you ask the members of that committee why they have not reported the appropriation bills, they say that they have not had time to prepare them; that it is impossible for them to report them. More than thirty days have passed, and we have now had but one general appropriation bill reported. It is all nonsense to talk about the three or four little appropriation bills which have been passed this session. The clerk of the committee could have prepared them, if he did not, as well as the committee itself. We passed a bill appropriating $30,000,000 for pensions. The committee said that amount was necessary, and we voted it at once without looking into the matter at all.

It may be said that there has been a great deal of fault and rascality connected with the expenditure of money upon the construction of public buildings. That may be true; but neither the men who voted for the bills authorizing the construction of those buildings, nor the committee which recommended them, are responsible at all for that waste or extravagance, any more than they are responsible for the prodigality, wastefulness, and extravagance in the expenditure of other appropriations which have been made.

If this clause now under consideration shall be adopted by the House, then we might as well abolish the Committee on Public Buildings and Grounds, for there will be no occasion for it, and give its committee-room to some other gentlemen who are now without any.

Mr. RANDALL, (the Speaker.) Mr. Chairman, since I have been in this House I have never seen any disposition upon the part of the Committee on Appropriations, or in the House itself, to obstruct the passage of bills which the Committee on Public Buildings and Grounds have seen fit to recommend, or the construction of which the laws authorized. But there should be some limitation upon the enormous expenditures made in the construction of such buildings, as to the amount which shall be expended each year. While the authorizing the construction of these public buildings should properly be a matter for the consideration of the Committee on Public Buildings and Grounds, yet the amount to be given each year for that purpose should be left to the discretion of some single head.

There is no reason that I can conceive of why an exception should be made in regard to the appropriations for public buildings different from what is done in reference to other matters of appropriations. As I do not believe that this clause will interfere in the least degree with the erection or authorization in the future of any public building which the necessities of the Government may require, I hope that the appropriations for that purpose will be allowed to remain where they are now, under the control of the Committee on Appropriations, so that each year we may know how much money is to be appropriated for the respective public buildings in course of construction.

Mr. CLYMER. I desire to submit a formal amendment to strike out the last word, in order that I may state in a general way what are my views in regard to this vexed question. Belonging to that unfortunate body of gentlemen in this House called the Committee on Appropriations, possibly I should say nothing, because they do not seem to have any rights that any one here is bound to respect. [Laughter.] Yet, sir, I cannot but feel that this committee gradually, day by day, is coming to see more clearly that the necessities of legislation, of good government, of economical government, require that the public expenditures should be reported from some one common source. I remember, sir, that in the second session of the Forty-third Congress, after there had been a majority of democrats elected to this body where so long the republican party had held sway, I had a long and earnest conversation with a gentleman, then a leading spirit on this floor; and he told me that outside of mere party considerations it was a profound satisfaction to him that there had been a change in the political control of the House. He said that during the long continuance of his party in power abuses had crept into the administration, innumerable hordes of useless officers had grown up, and that without a change of administration purification and retrenchment were impossible.

When the democracy came into power in the Forty-fourth Congress there was but one means by which this Government might be restored to something like fair, just, and economical administration, and that was by the reduction of expenditures. To reduce expenditures was impossible until we had adopted the rule upon that subject formulated by Mr. Holman, then a member of the Committee on Appropriations. This is the rule which has given us so much trouble, which has caused us so much anxiety, which I believe is the only obstacle now preventing the Committee of the Whole from agreeing with almost entire unanimity that the Committee on Appropriations should retain its old and I will say its legitimate powers.

That amendment to the rules, adopted on motion of Mr. Holman, was never intended as a means of introducing political legislation. It was designed merely to reduce expenditures; that was the object, pure and simple. If by reason of party exigency, party necessity apparently, that rule has been tortured so as to produce any other result, it is not the fault of the rule, but the practice under it. And if the minds of gentlemen of this committee can be satisfied that this rule shall be restricted to its original and beneficent purpose, we shall have no more squabbles as to whether the Committee on Appropriations should have entire charge of the appropriations for carrying on the Government. I am ready to say for myself (and I trust for most of those who act with me on this floor) that when we come to that portion of the rules I will attempt to ingraft upon it a provision which shall strip the Committee on Appropriations of the power to report new legislation, so that we shall not have power to legislate on any subject, but shall have authority alone to reduce expenditures that may be authorized by law. If we thus confine ourselves within the law it will be for the other committees of this House—the committees having charge of the Army, the Navy, Indian affairs, public buildings, commerce, &c.—to say what the law shall be; and we shall have power merely to present to the House a reduction of the amounts to be appropriated.

[Here the hammer fell.]

Mr. BROWNE. Mr. Chairman, I would not ask the attention of the committee to-day but for the fact that an amendment offered by myself a few days ago provoked a discussion which I did not anticipate, and in which I took no part. I have listened with very much interest to what has been said by the older and more distinguished members of this House in defense of the retention of power by the Appropriations Committee, and the logic of their argument has wholly failed to satisfy my mind.

It is said, on the one hand, that the Appropriations Committee should be the mere auditing committee of the House; that measures of legislation should come from the committees to which the various subjects appropriately belong; that the Committee on Appropriations should simply report appropriations in pursuance of law; that when the Committee on Military Affairs, for instance, has fixed the number of the Army, the number and rank of the officers, the pay of private soldiers, &c., it should be the imperative duty of the Committee on Appropriations to provide the money for meeting those expenses according to the law. If that were done, let me ask, would you not simply make every committee of this House an appropriation committee, and would it not to that extent lead to extravagance? If it be important, in order that the expenses of the Government may be retrenched, that this colossal Committee on Appropriations, colossal in numbers and especially in ability, should appropriate the money, is it not equally important that the whole legislation of this House looking to the expenditure of the public money should be intrusted to this great committee of retrenchment and reform?

It is important that we have economy. But gentlemen assume that there are only fifteen economists in this House, who are to determine how many ships shall be built, who are to determine what shall be the rank and file of the Army, the pay of officers, &c.; that the remaining members of the House should commit all their duties to this one committee, who shall provide for all the machinery and expenses of the Government. It is, in my opinion, just as sensible, just as logical to say it is in the interest of economy that this committee shall do all the legislation looking to the expenditure of the public money as it is to hold that simply the matter of appropriation shall be confided to them.

I do not believe for one that this committee about which so much has been said is *par excellence* the committee of economy. During the Forty-fifth Congress the committee to which I now belong, and of which I was not then a member, provided for a reorganization of the military establishment by which $3,000,000 annually would have been saved to the public Treasury. Yet this Committee on Appropriations, ignoring that work in their appropriations for the Army, expended $3,000,000 of the people's money that might have been saved had the bill for the reorganization of the Army been passed.

Every member occupying a seat on this floor, responsible for his votes to his constituency, becomes an economist. If one committee is disposed to economize, the very same impulse, the same desire, the same spirit, animates them all. Gentlemen representing upon this floor other committees are just as anxious to present a good record of economy to their constituency as is the Committee on Appropriations. As I stated in the beginning of this discussion, I believe that if the appropriations were distributed to the several committees there would be in this House a race in the work of economy.

[Here the hammer fell.]

The CHAIRMAN. The question is on the adoption of the *pro forma* amendment proposed by the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. CLYMER. I withdraw it.

Mr. HAWLEY. I renew the *pro forma* amendment. Mr. Chairman, I do not like to put myself in antagonism to the Committee on

Public Buildings and Grounds any more than other members do, for there happens to be in my district and directly opposite my place of business a very important public building, which has been in course of construction for six or seven years, and which should be finished next year. I do not know that I shall be able to get the Committee on Appropriations to report the required expenditure, while I rather think I could induce the Committee on Public Buildings and Grounds to do so. Perhaps, therefore, I am injuring the prospect of an appropriation for that building by speaking against the amendment offered by my friend from Pennsylvania; but I think this is a matter to be decided not by temporary prejudices, by present feelings, by disappointments that we may have incurred, but upon general philosophical principles; and I do submit that the theory advanced by those who have thus far been in the majority in the Committee of the Whole is correct.

It is naturally to be expected that the Committee on Public Buildings and Grounds, having considered the general necessities of the country and of each particular place, should bring in bills for the construction of public buildings at various points. But if, devoting themselves to this one subject, they bring in also a bill of appropriations—appropriations which they may suppose really necessary—they might, perhaps, in a given year report an expenditure of, say, $8,000,000, while eight or ten other committees, going on in the same way, would report their appropriations; so that the aggregate expenditure proposed for the year might reach $350,000,000. Now, with each committee struggling in that way for the gross amount of its appropriations, it would be very difficult indeed for each to yield what it might be necessary to yield in order to reach that balance of compromise which the interests of the Government might require to be adopted unless taxes should be increased to the extent of $100,000,000. Is it not better, then, to have one committee which, when these other committees have reported upon the necessities of various branches of the service, shall sum up all these propositions, and if it be found that the aggregate is too large shall cut down the various amounts so as to make an harmonious whole? Suppose that in a particular year the Committee on Public Buildings and Grounds have reported an expenditure of $8,000,000 for public buildings. Suppose the Committee on Appropriations, though glad to provide for all these buildings if it could be done, should find, upon examination of the whole field, that during the coming year there must be additional vessels built for the Navy; or suppose there should be a great military necessity—an exigency, perhaps, in our foreign affairs—so that the aggregate of appropriations must not go beyond a certain amount; in such a case the Committee on Appropriations might very well say, "This year we must cut down the appropriations for public buildings to $4,000,000; another year we may be willing to appropriate $8,000,000."

Now, taking this as an illustration, the Committee on Appropriations, the general supervising committee of amounts to be granted, would be better able to reach a harmonious balance with reference to the wants of each branch of the service than could be attained if each of the various committees should control the appropriations for its particular department. It is inevitable that a committee in charge of any subject will—I will not say unjustly magnify the importance of that subject, but will see it in all its force. I know this from my experience as a member of the Committee on Military Affairs, and also as a member at one time of the Committee on Banking and Currency. When I was on the Military Committee I saw, as I thought, very clearly what ought to be done in regard to the Army; and I was jealous of the Appropriations Committee for taking legislation out of our hands. There were things which we were ready and desirous to do which that committee took up and did, as I thought rashly. The work of reorganizing the Army is an appropriate duty for the Committee on Military Affairs, while the Committee on Appropriations should simply keep the aggregate of appropriations adjusted with reference to the respective needs of the various branches of the public service.

My friend from Indiana [Mr. BROWNE] was, I think, a little mistaken in one respect, or rather his remarks did not fully represent the case. If the Committee on Military Affairs should report legislation fixing the size of the Army, the rank and pay of its officers, and everything of that kind, there would be nevertheless something more for the Committee on Appropriations to do than merely to take a slate and figure up the expense of the military establishment as provided for by the Committee on Military Affairs. There are some large discretionary items which properly should be left to the Committee on Appropriations, which could not very well be determined upon elsewhere—large items covering transportation, subsistence, quarters, &c. A very large portion of our military appropriations, from year to year, are a matter of discretion, very properly going to the Committee on Appropriations, while the general frame-work and government of the Army could of course be determined upon reports from the Committee on Military Affairs, and ought to be determined in that way.

Mr. BRIGGS. Could not the Committee on Military Affairs exercise sound judgment as well as the Committee on Appropriations in reference to those "discretionary items," of which the gentleman speaks?

Mr. HAWLEY. I will say that it would be almost impossible for any committee having charge of a single Department of the Government only to take into consideration the demands of various other branches of the public service, as must be done in determining the aggregate expenditures for the year. The Committee on Military Affairs would not be able to do this because they would have investigated only one particular subject. While they might be able to arrange the general government of the Army in first-rate shape, they could not balance the various discretionary appropriations so well as one central appropriating committee.

[Here the hammer fell.]

Mr. HARRIS, of Massachusetts. Mr. Chairman, I have repeatedly heard on this floor the sentiment that it is necessary, on this matter of appropriations, to have "one head." I have heard something said about a primacy. Mr. Chairman, this is a House of Representatives representing the American people, and I do not believe that the Representatives of the people should come here with gags in their mouths and be utterly unable to represent their constituencies upon the question of appropriations. I have voted constantly in favor of all the amendments tending to break down this autocratic power of the Appropriations Committee. "One head," sir! and that head, perhaps, not even the fifteen members of the Appropriations Committee, but the Speaker of this House, who, at the opening of the session, lays down his own private programme as to the appropriations, and these gentlemen of the Appropriations Committee merely execute his will.

Mr. Chairman, in every appropriation bill there are certain appropriations which are a matter of discretion—appropriations involving questions of policy. I take the Army appropriation bill passed at the special session, and I find that the meager and paltry appropriation made for guns for fortifications bears no earthly relation to the necessities of the military service of this country. The Military Committee ought to have the power to say—and to say it by reporting a bill at any time—that the military service of the country requires $1,000,000 to be expended in the making of guns adequate to the defense of our coast. Yet that committee has not the power to do so; if they undertake it they must report a bill which will go to the table, and there lie perhaps until the expiration of the session.

Take the Committee on Naval Affairs of which I have some knowledge. We want to report, perhaps, that there shall be no more wooden ships built, that the time has come for us to begin to build iron ships. Yet before we can be heard the Appropriations Committee has thrown into the House a bill which embodies simply the recommendation of the head of a bureau, a bill in which they make appropriations for not one pound of iron for iron ships, but only for timber to rot in our docks. The Committee on Naval Affairs would like to introduce into this House some policy; we would like to have something to say on the appropriations necessary to carry out that policy; but it is utterly useless, it is a waste of time for us to attempt anything of that kind, if we have no power to be heard upon the measures we may present.

Now, the gentleman from Pennsylvania [Mr. CLYMER] has made the only advance toward a proposition which I should like to see adopted. He certainly is fair. He is the only man from the Appropriations Committee who has manifested the least disposition to take their hands off the legislation of this country. But he does not go far enough. He does not recognize the necessity we are under of making the appropriations conform to our idea as to the policy of the Government in any certain branch. Take the bill which is now lying on the Calendar, lately reported unanimously by the Naval Committee, in which we seek to establish a policy. We did not even dare to put into that bill an appropriation of a single dollar. It is there with a blank space left to be filled hereafter. I do not think the Committee on Naval Affairs or the Committee on Public Buildings and Grounds are any less capable or any less honest than the Committee on Appropriations. I do not believe they are more extravagant. I believe they are as patriotic, as honest, and as intelligent as the average of members of the Committee on Appropriations.

[Here the hammer fell.]

Mr. HAWLEY. I withdraw my amendment.

Mr. CALKINS. I move to strike out the last word; and I promise the committee, Mr. Chairman, this is the "last shot in my locker" during this debate. We have rallied—I say "we," I mean the minority of this committee have rallied—on nineteen points in this contest, and have been defeated each time, except when we were led by the gentleman from South Carolina, [Mr. AIKEN,] the chairman of the Committee on Agriculture, or who ought to be, [laughter,] and my friend from Texas, [Mr. REAGAN.]

Now, these two points gained have not yet accomplished what was desired by the "plebeians" of this House—we of the minority; for I never saw a fight organized nor have I ever read in history of a conflict carried on by petty kings which was managed more adroitly than the fight on this floor. There were two conflicting ideas; one was there should be a great central head to all appropriations, and the other was that we were all alike on this floor—in plain English, that one man was as good as another.

Mr. CLYMER. If not better.

Mr. CALKINS. If not better, as my friend suggests. [Laughter.] The committee has determined by several separate votes that they need somebody to stand over them to guide them. I think if we are beaten this time we can fall back to another point and take the last stand, and

that is on the ground proposed by the gentleman from Pennsylvania, [Mr. CLYMER.] While I assure you if you press a vote on this point I will co-operate with you and vote for the proposition that the Committee on Public Buildings and Grounds shall have the power which they ask, yet if beaten I think it best not to waste time by further resisting the continued action of the committee.

Let us get along with these rules. Let us make a stand on the proposition made by the gentleman from Pennsylvania, [Mr. CLYMER,] and let us from that extract a few crumbs of comfort.

Mr. WEAVER. Does the gentleman surrender?

Mr. CALKINS. No, sir; I do not surrender anything. The fiat has gone forth several times from this committee of no change; and you know, Brother WEAVER, you like *fiat*. [Laughter and applause.]

Mr. WEAVER. The gentleman is not far now from the kingdom. [Laughter.]

Mr. CALKINS. I wish to say one other word, and that is this, and I wish to address it to my friend from Maine, [Mr. FRYE,] to the gentleman from Ohio, [Mr. GARFIELD,] and to the gentleman from Connecticut, [Mr. HAWLEY,] the leaders of the republican host. It must have been an unequal contest from the first when these gentlemen were all leading in the same direction with the Speaker of this House. It became unequal, although many gentlemen on the other side came to our support, I am glad to say; and yet, sir, the contest was unequal from the beginning. And why? There is no committee which will not fight to maintain the prestige and power it already has. I am glad to say the gentleman from Ohio has won his spurs not because of any rule of this House—it requires something else besides a rule of the House and self-imposed restriction to make leaders—it requires brains. And no gentleman can ever sail into the presidential chair by self-imposed restrictions or the rules of the House, and I beg some gentlemen here to recollect it.

Mr. CLYMER. This is not the way you make them.

Mr. CALKINS. No, Brother CLYMER, with your help, we make them eight to seven.

A MEMBER. By fraud.

Mr. CALKINS. Leadership challenges to combat all opponents in this arena, and does not seek power by reason of rules. It is a contest of moral forces, one where reason and logic should prevail, and not that of autocratic power.

I wish to say another thing, Mr. Chairman. If this committee determines to keep the power in the hands of the Committee on Appropriations of making all disbursements and standing as the great auditing committee of the House and of the country, let us accept the situation and try to strip them of the power to put general legislation upon appropriation bills; let us rally on that point, and let us see whether we cannot choke from them, if you please, that power, and then we shall have gained so much at least.

[Here the hammer fell.]

Mr. GILLETTE. Mr. Chairman, the whole theory of this debate has been, if I understand it, on the part of those who advocate giving to the Appropriations Committee all the power demanded by them, which is practically the complete control of the purse-strings, that the other committees cannot be trusted with the great interests of this country, but that we must have one head, one arbiter, to say how much shall be expended in this direction and how much shall be expended in that direction and how much in the other direction. The gentleman from Connecticut, [Mr. HAWLEY,] a member of the Appropriations Committee, takes this ground and advocates it because he says it will be more economical. The cry of *economy* is a relief. We have heard for so many years of "honest money" under guise of which the people have been sacrificed to that Moloch of American monopolies the national banks. Now the cry is "economy," under which it is proposed to sacrifice nearly all the representatives of the people on this floor, by granting the control of the purse of the nation to one committee and practically to one man. Their whole theory is directly antagonistic to to every principle of republicanism: that this House is not the arbiter of these questions, that this House is not the body to which these various committees appeal to decide whether this or that amount should be appropriated, and that the great Committee on Appropriations is to relieve them of all responsibility and settle all these questions entirely for the Representatives upon this floor, rushing their forty or fifty or one hundred million dollar appropriation bills through in the last hours of a session under the five or one minute rule, and under the excitement of party prejudice, with nine-tenths of the members of this House as ignorant as so many mules of the merits or demerits of the bills, as was done last spring, and may always be done by this committee. I repudiate that theory. I despise it. It is as anti-republican as negro slavery.

I advocate a distribution of this great power among the various committees, whose duties require them to learn the necessities of various Departments of this Government, and who therefore know ten times as much about those needs as any one committee can. I advocate it also because it is giving the greatest responsibilities of this Government to the many rather than to the few. Why, sir, you have disfranchised two hundred thousand people in the District of Columbia. They have no more rights as American citizens than so many cattle. Now you propose to come into this House and adopt rules that will virtually disfranchise over nine-tenths of the representatives of the people under the deceptive cry of "economy." That is the simple proposition we have before us. I stand by the Representatives of every section of this country. I have the honor to represent as many people upon this floor as the gentleman from Connecticut, and I want to know why my committee should not have as much right to say what amount of money should be appropriated in the direction in which they have investigated public affairs as any other committee upon this floor. I insist that when any committee brings in its verdict this House of Representatives is the body to decide whether the amount recommended is too large or too small, and I believe that any committee of this House is worthy to be trusted to do that much, to report their conclusions for the action of this body, and if I am wrong, if it be the duty of this House to surrender to one committee the virtual control of the most important legislation of this body, then our whole theory of a republican form of government is a sham and a failure. I insist that you cannot long maintain a republic in the land with the heart of the government itself a pure despotism, a "one-head" power, as advocated to-day by one member of the Committee on Rules.

Mr. CANNON, of Illinois, rose.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. CALKINS. I withdraw the amendment.

Mr. CANNON, of Illinois, I renew it. And, Mr. Chairman, I wish only to say a word or two on the pending amendment. I have listened with some surprise, sir, to my friend from Indiana, [Mr. CALKINS,] who has just addressed the committee, as well as to several other gentlemen who have preceded him. I had supposed the committees of this House were the servants of the House, and that the House, and not the committees, legislated. I had supposed it was the Committee on Appropriations, or the Committee on Military Affairs, which reported a bill here, and that, when reported, that bill was, from the time it was reported until it was passed or rejected, under the control of a majority of the House. But, judging from the way in which the gentleman from Indiana has talked, one would suppose that the majority of this House could not do what it pleased, and that it had no absolute power over propositions brought in from any committee. If he has any ambition for a committee which shall have jurisdiction enabling it to legislate, then I hope his desire will not be gratified.

Mr. DUNNELL. I should like to ask the gentleman from Illinois a question.

Mr. CANNON, of Illinois. Certainly.

Mr. DUNNELL. A law of Congress says that the Auditors of this Government shall receive a salary of $4,000 a year; the Committee on Appropriations bring in a bill saying that they shall only receive $3,600. I want to know whether the whole House is not at the mercy of that committee with that report before it?

Mr. CANNON, of Illinois. Not at all, sir.

Mr. DUNNELL. Not at all. Why?

Mr. CANNON, of Illinois. Because the majority of this House at any time can take that bill from the Committee on Appropriations, amend it, and make it comply with existing law.

Mr. DUNNELL. But the committee has for years appropriated but $3,600, when the law says these Auditors shall have $4,000.

Mr. CANNON, of Illinois. Then why does not the gentleman rise in his place and offer an amendment?

Mr. DUNNELL. If I did it would be ruled out of order.

Mr. CANNON, of Illinois. Not at all, sir, for the amendment would be in pursuance of existing law, and therefore in order. All the gentleman has to do when the committee brings in the bill will be to rise and move to increase the appropriation so as to make it conform to existing law, and if he can get a majority of the House to stand at his back, of course his amendment will be adopted.

Mr. Chairman, the majority legislates here and always has legislated.

Mr. BRIGGS. The gentleman says the maiority legislates and controls the business of this House; then why, in the name of Heaven, cannot the majority control a report from the Naval Committee, or Military Committee, or any other committee, as well as a report from the Committee on Appropriations?

Mr. CANNON, of Illinois. Certainly the majority can control that report, but I have no time to call the gentleman's attention to the answer given by the gentleman from Connecticut to the importance of some committee doing the auditing in the first instance for the consideration of the House.

I wish to say an additional word. The gentleman from Massachusetts [Mr. HARRIS] said the gentleman from Pennsylvania [Mr. CLYMER] was the only gentleman belonging to the Committee on Appropriations who had advocated the striking off the objectionable clauses from the twenty-first rule as reported in the codification. I take leave to differ from him. The gentleman from Connecticut [Mr. HAWLEY] advocated it; the gentleman from Indiana [Mr. BAKER] advocated it; I had the honor myself to advocate it as best I could in a twenty-minute talk during the general debate. But I stand here and now as I have stood for years ready to resist at every point I can under the rules the giving of legislative power to the Appropriations Committee, and to amend the rules so as to take from the hands of any committee which

reports the appropriations the power of reporting legislation changing existing law along with the appropriation to buy its way through the House and the Senate. When that fight comes I will be as ready as any gentleman to take part in it by voice and vote.

[Here the hammer fell.]

[Cries of "Vote!" "Vote!"]

Mr. BLACKBURN. It seems to me far more good will result from voting than from discussion. I move, therefore, that the committee rise for the purpose of obtaining an order from the House to close debate upon this paragraph. [Cries of "Vote!" "Vote!"] If the committee is willing to vote I will not make that motion.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

Mr. GARFIELD. We may as well have tellers.

Tellers were ordered; and Mr. BLACKBURN and Mr. SHALLENBERGER were appointed.

The committee divided; and the tellers reported—ayes 100, noes 81.

So the amendment was agreed to.

Mr. BLACKBURN. I give notice that I will call for the yeas and nays in the House on that amendment.

Mr. CONGER. That is what we want.

The Clerk resumed the reading of Rule XI, and read as follows:

20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads.

21.
to the Committee on Levees and Improvements of the Mississippi River.

Mr. CHALMERS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In clause 21, fill the blank by inserting as follows:
"To the improvement of the Mississippi and its tributaries, and all surveys and estimates relating thereto."

Mr. CHALMERS. I discussed this proposition quite fully when we were under the rule allowing general debate, and I do not care, therefore, to trespass now upon the time of the committee.

Up to this time, Mr. Chairman, the contest has been against the report of the Committee on Rules and against the Committee on Appropriations. The proposition which is now introduced from the Committee on Levees and Improvements of the Mississippi River does not antagonize in any way the report made by the Committee on Rules. That committee left a blank to be filled as to the jurisdiction of this committee, and expressed no opinion as to what was best to be done on this subject.

If those gentlemen who have been up to this time fighting against the Committee on Commerce, upon the ground that it has been extravagant and that its bill is usually an omnibus bill—if they are in earnest and desire to see every appropriation made for the improvement of rivers and harbors closely criticised and examined by the Committee of the Whole House, they should come to the support of the Committee on Levees and Improvements of the Mississippi River, and enable us to adopt this amendment. For, sir, this will bring every appropriation for the Mississippi River and its tributaries before the whole House to be considered, and there can be no complaint then that a river appropriation has been passed under a suspension of the rules by a two-thirds majority.

Mr. RYAN, of Kansas. That can be done.

Mr. CHALMERS. That I have no objection to myself, but there are many who do object. I say to those gentlemen, if you are in earnest, and if you desire to see these matters fairly and fully criticised in Committee of the Whole, you should sustain this proposition.

And the proposition should be sustained for another cause. The gentleman from New York, [Mr. CHITTENDEN,] who always speaks plainly and to the point, said in his remarks that this House was under a master; that that master was the Committee on Appropriations. He said he would as soon see a ship go out to sea with two masters as to see the Committee on Appropriations divided. But, sir, we have now more than one master. We have not only the Committee on Appropriations to rule over us, but we have the Committee on Commerce also.

After the declaration of the gentleman from Virginia [Mr. CABELL] that he would consent to the adoption of this amendment at the proper time, I voted for his amendment to give jurisdiction over river appropriations to the Committee on Railways and Canals. There was a specific rule of this House, long since adopted, giving that committee jurisdiction over this subject. There never was any rule giving this jurisdiction to the Committee on Commerce. It is a usurpation on its part, a usurpation which has grown up by long practice, I admit, but nevertheless a usurpation on its part. And while the Committee on Commerce have so usurped this power they have spent millions and millions of dollars upon other rivers and other harbors, while these great navigable waters, which are recognized to be proper subjects for improvement by the whole people of the United States—the Mississippi and its tributaries, which water over twenty States of this Union—have been comparatively neglected. We ask you to place this great interest in the hands of a committee friendly to it, that we may be enabled to improve those waters as they demand and deserve to be improved.

My friend from Indiana [Mr. CALKINS] said we have been defeated in this fight against centralization of power in one committee because the great leaders on his side of the House had deserted him. We have been defeated on this side also because some of our great leaders have, as I understand it, deserted us in this fight. Shortly after the election of Speaker this fight commenced. The gentleman from Illinois [Mr. SPRINGER] commenced the struggle. It was his resolution that proposed to take away the power of the Committee on Appropriations and divide it up among other committees. But when the hour of battle came I looked in vain for the white plume of that gallant knight, that I had been accustomed to follow upon many a field.

At the same time my friend from Kentucky [Mr. BLACKBURN] introduced an amendment proposing that there should be a special committee to consider these questions and to make rules, as I understood it, for the purpose of carrying out the idea of the resolution introduced by the gentleman from Illinois, [Mr. SPRINGER.] I may have done him injustice; I may have misunderstood his position at the time; but I thought he was then with us. We looked in vain, however, for his help when we were fighting the Committee on Appropriations. Unfortunately that gentleman had been captured by the enemy.

[Here the hammer fell.]

Mr. REAGAN. I desire to call the attention of this committee to the fact that this amendment involves simply and solely the question whether it is the policy of this country to improve its navigable waters by appropriations from the Federal Treasury. Of course, the gentleman from Mississippi [Mr. CHALMERS] does not have it in mind at this time to defeat such appropriations, because he doubtless feels a common sympathy with the people along the Mississippi River and its tributaries in the improvement of all the navigable waters of the United States.

I wish, however, to call the attention of members now to this matter, so that if they sustain this amendment, and it shall turn out that by so doing they have defeated appropriations for the improvement of the navigation of any of the rivers of this country, they cannot say that they were not warned of what they were doing. If you divide, as this amendment proposes to divide, the business of appropriating money for the improvement of the navigable waters of the United States so that appropriations for the Mississippi River and its tributaries, making nearly one-half of the navigable waters of the country, shall be under the charge of one committee, and appropriations for the improvement of the Atlantic, the lakes, the Gulf, and the Pacific waters shall be under the charge of another committee, it is not at all probable that you can ever pass a bill reported from either committee through this House. Who supposes that a bill proposing to appropriate money for the improvement of the Mississippi River and its tributaries, excluding appropriations for the improvement of the other public waters of the United States, could receive the sanction of a majority of this House? Who supposes that a bill reported by the Committee on Commerce for the improvement of the waters of the Atlantic, the lakes, the Gulf, and the Pacific, and leaving out the improvement of the Mississippi River and its navigable tributaries, could receive the support of a majority of this House? Not only would every local interest concerned be arrayed against it, but we would have, as we now have, as we ever have had, and as we are likely to ever have, a class of gentlemen opposed to this kind of appropriation, a class of gentlemen reverently in love with the old system of Conestoga wagons, with a tar-bucket and a dog under each wagon, like the gentleman from New York, who sighs for the days of dirt-roads and common wagons, and looks with horror on all steamboats and railroads. Gentlemen, you may go back with the gentleman from New York to your road wagons and to your railroads also, for they have become established; but by this proposition you will fail to do anything for the improvement of the water navigation of this country. I have no doubt this amendment will receive his earnest and hearty support, as well as that of every member of this House who is determinedly opposed to the improvement of the navigable waters of the United States.

My friend from Mississippi [Mr. CHALMERS] cannot help, and it seems that no man upon that committee or upon the Committee on Roads and Canals can help, joining the Committee on Appropriations in making flings at the Committee on Commerce. Well, sir, so far we have had reason to rest content with the solid judgment of this House, looking to the promotion of the welfare of this country, with its commerce of thousands of millions annually, the cheapening of the transportation of that commerce, and the reducing of the rates of insurance. We are well content with the exhibition that has been made here of broad statesmanship which comprehends the entire continent and all its interests. We have evidence of an intention on the part of a majority of this House not to abandon the idea that we represent fifty millions of people, a mighty empire or territory so situated that the cotton of one region, the grain of another, the minerals of another must be transported from one section of the country to another. The nature of the commerce of our country requires that a vast amount of transportation shall take place, and the only check upon the extravagant cost of land transportation is the hope of improving the thirty thousand miles of navigable waters of this country in the interest and for the benefit of the producers of this country, as well as of the consumers.

[Here the hammer fell.]

Mr. BLACKBURN. I simply desire to state to the Committee of

the Whole House how it was that this blank appears here in clause 21 of Rule XI. The Committee on Levees and Improvements of the Mississippi River, at the time these rules were framed, had no duty defined at all under the existing rules. It was not a standing committee of this House until during the last session of Congress, when it was so made. It is not enumerated in the Manual at all among the committees of the House.

When the Committee on Rules came to this Rule XI, they found themselves unable to agree as to what should constitute the scope, power, and duties to be imposed upon the Committee on Levees and Improvements of the Mississippi River.

I will not stop now, because it would require too much time, to answer every fling which every member sees fit to make in regard to the Committee on Rules and the Committee on Appropriations. The concluding remarks of the gentleman from Mississippi [Mr. CHALMERS] amount to nothing so far as I am concerned, except to prove that he was the victim of a crude conclusion that had no warrant at all in fact. At the time to which he refers I was, as I am now, in favor of the amendment which he has proposed. I believe that it was the duty of the House, and one which we could not well get around, to fill this blank in some wise.

You have created this committee and made it a standing committee of this House. You have assigned it no duty; you have given it no power; you have required of it no service. You must put something here in the rules in regard to that matter. I was from the first and I am still in favor of the amendment offered by the gentleman from Mississippi, [Mr. CHALMERS,] which gives to the Committee on the Levees and Improvements of the Mississippi River absolute charge of the subject of the improvement of the navigation of the Mississippi River and its tributaries.

It is indeed, sir, a work vast enough in its volume and importance to engage the whole attention of any one committee of this House. I will not be driven from that position. I favor it now. I never was committed, as the gentleman may have considered me, to a general disintegration of the legislation of Congress. I never offered any amendment, as he says he construed it, upholding and supporting the view that he happens to hold. I have said, and I say again, (I hope I shall not find it necessary to repeat it a third or a fourth time,) that I was perfectly willing from the first to take all these appropriation bills away from the Committee on Appropriations and give them to the committees having charge of the respective subjects, provided the House would exercise some degree of caution and put some limitation upon the aggregate amount that was to be appropriated.

I did offer a resolution by way of amendment at the beginning of this Congress, looking not to the distribution of appropriation bills, but to the raising of a select committee of five, whose duty should be to revise, condense, and simplify the whole system of rules by which this House has been governed—that and nothing more. I have not changed my position upon that general proposition, nor upon the question now under consideration, one iota. I believe that the amendment offered by the gentleman from Mississippi ought to be adopted. I believe that the work it will impose upon that committee is of such proportion and magnitude as to commend itself to the soundest judgment and best discretion of this House. I hope that the amendment will be adopted.

[Here the hammer fell.]

Mr. FRYE. I would like to ask the gentleman from Kentucky——

Mr. BLACKBURN. I desire simply to add, though it may not be necessary, that in what I have said upon this amendment I do not speak for the Committee on Rules, but for myself.

Mr. FRYE. I desire to ask the gentleman this question, whether he is in favor of providing that the committee now under consideration shall report, like the Committee on Commerce, directly to the House instead of reporting to the Appropriations Committee?

Mr. BLACKBURN. I answer the gentleman very frankly that I would put that limitation upon this amendment, if it shall indeed prevail.

Mr. FRYE. Mr. Chairman, I am ready to admit at any time that the majority of the House is generally right. I have little confidence in my own judgment when I find the majority—at any rate on my own side—voting against me. But I would fail in my duty if I did not call the attention of the House, and especially of my side of the House, to some facts upon this question. There have been a dozen, or possibly twenty, amendments proposed to the report of the Committee on Rules, a large majority of which have failed. Then there came a pretty earnest contest as to whether the Committee on Military Affairs, the Committee on the Post-Office and Post-Roads, and the Committee on Naval Affairs should have a right to report appropriation bills relating to their respective subjects. The majority of this House said "no," that this business should remain in the hands of the Appropriations Committee. Why? Because economy requires that it should be there. But the Committee on Rules reported a provision that the Committee on Commerce, having in its hands one of the largest appropriation bills, should make its report to the Committee on Appropriations; and the spectacle was exhibited here of a majority of two-thirds declaring that this bill should be reported by the Committee on Commerce directly to the House at any time. Why? If the Committee on Military Affairs is to be compelled by a majority vote of this House to allow the Committee on Appropriations to report the appropriations for the Army, why is the Committee on Commerce by a two-thirds vote allowed to make its report directly to the House, and thus have an opportunity to suspend the rules and put the bill on its passage without any examination or discussion whatsoever? There is some reason for it.

Then we come to the next committee which was able to carry an amendment through this House. What was it? The Committee on Public Buildings and Grounds. They make a proposition that they may be permitted to report directly to this House, and it is carried by a majority of a dozen or fifteen. Why?

Mr. BARBER. Because we had them. [Laughter.]

Mr. FRYE. That is it exactly. And it is only offering another opportunity for scandal to be thrown upon the Congress of the United States. How is it so many men are willing that these two committees—one having in charge rivers and harbors, the other the public buildings in our respective districts—shall have the advantage of every other committee of this House? How is it that the advantage thus given to these committees is refused to the other committees?

Mr. REAGAN. Will the gentleman allow me to ask a question? He has referred once before to the "scandal" brought upon this House by the Committee on Commerce. Will he be frank enough to mention one fact upon which that "scandal" was based? Was it based on anything except the wild declamation of members on this floor, in violation of truth?

Mr. FRYE. "Only this, and nothing more," that the river and harbor bill is the only appropriation bill brought before this House to be passed under a suspension of the rules and without debate.

Mr. REAGAN. Oh, no. At the last session we passed another appropriation bill under a suspension of the rules—a bill appropriating $24,000,000 or more; and the gentleman supported that bill. Has there been any "scandal" about that?

Mr. FRYE. Every year for the last five years, until it has become the custom, the motion has been made to suspend the rules and pass the river and harbor bill; and the chairman of the Committee on Commerce knows the reason to be that there are so many gentlemen in this House interested in the passage of the bill that the requisite number of votes can be had.

Mr. REAGAN. Is it "scandal" to pass any bill in conformity with the rules, when those rules require a two-third vote?

Mr. FRYE. Now, Mr. Chairman, one word further. Here comes another committee—the Committee on Mississippi Levees, and, as the amendment proposes, the tributaries of the Mississippi River. The proposition is to take one-half of all the internal improvements of this country and let this committee report upon them. Now, this proposition will pass.

A MEMBER. Oh, no.

Mr. FRYE. Why not? I assume that it will. You will then have two committees reporting river and harbor improvements; two committees can manage them infinitely better than one! Each committee can move to suspend the rules and pass its bill—first the Committee on Public Buildings and Grounds, then the Committee on Commerce, then the Committee on Mississippi Levees. Day after day you will come in here with your bills making large appropriations of money; you will suspend the rules, and pass them. If you take this away from the Committee on Appropriations, take everything away from them. Let the rest of these committees stand upon the same basis on which these three committees stand.

[Here the hammer fell.]

Mr. JOHNSTON. Mr. Chairman, I understand that the Committe on Commerce is now charged with the improvement of the branches of the Mississippi River, and the Committee on the Improvement of the Mississippi with that of the main stream. I submit to gentlemen in the matter of internal improvements those two subjects form but one. Any experienced engineer will, I think, tell you so, and that you cannot have two systems, one for the improvement of the main stream and another for the improvement of its branches. It is absolutely necessary the same authority should control the improvement of the waters of the whole Mississippi Valley.

This appears to me to be too evident to require argument; but there is one important fact I will state in that connection. One of the best engineers, whose opinion has been published in regard to the manner of improving the Mississippi River, proposes to do it by using the current of the stream. Unless those who operate in that way have also the control of the waters of the branches of the Mississippi, the engineer who may be engaged in improving the main stream may cause a bar to form in the mouth of every tributary, for in removing a bar which is above the Arkansas, for instance, by the current of the Mississippi he may remove that bar into the mouth of the Arkansas River. And so of any other river. That of itself to me is a conclusive argument why the amendment proposed by my friend from Mississippi [Mr. CHALMERS] should be adopted, uniting those two subjects, as they should be, under one authority.

Mr. ROBERTSON. Mr. Chairman, I wish to reply to some remarks which have just fallen from the lips of the gentleman from Texas, chairman of the Committee on Commerce. He stated to this House that the members of the Committee on Levees and Improvements of

the Mississippi River had thrown every obstacle in the way of the Committee on Commerce in carrying out the object of that committee in passing river and harbor appropriation bills reported from that committee. In other words, sir, he made the assertion that the members of the Committee on Levees and Improvements of the Mississippi had thrown obstructions in the way of the Committee on Commerce in executing the policy of that committee in improving the rivers and harbors of this country. Now, as far as I am concerned I deny the statement. I deny, sir, that I have ever opposed the Committee on Commerce in carrying out its policy whenever, in my judgment, that committee reported a bill which I could conscientiously vote for.

I am in favor, Mr. Chairman, of the policy of improving the rivers and harbors of the country. In doing so I subscribe to the doctrine of the old democratic party of opposition to any general system of internal improvements. That doctrine grew out, as is well known by gentlemen, of the question of building post-roads and carrying out every sort of local internal improvements in the country, to be paid for by direct appropriation out of the Treasury of the United States. But it is quite a different proposition to improve the navigable streams of the country. It is quite a different thing to appropriate for the improvement of navigable rivers and harbors. Consequently I have always been in favor of the policy of improving the rivers and harbors of the country, and have cheerfully voted for all bills for that purpose reported to this House when, after examination of the items, I have been satisfied the appropriations were to be applied really to the improvement of navigable streams. It is, in my judgment, within the legitimate province of the Government to make appropriations for such purpose and to continue to make them hereafter, as they have been made from the very beginning of the Government.

The gentleman states further that by dividing the jurisdiction, particularly in reference to the improvement of rivers and harbors, we thereby jeopardize the passage of any bill which may be brought before the House for such improvements, and, therefore, experience has shown the absolute necessity of bringing in an omnibus bill combining all interests throughout the country and putting it upon its passage under a suspension of the rules, without amendment and without debate. That of itself at once shows such a system would be nothing more than *log-rolling*. I am opposed to any such system of making appropriations in this House. I am opposed on general principle to bringing any bill before the House which cannot stand upon its own merits and bear discussion.

We say that if the jurisdiction is extended to our committee which it should have it will then give to us the control of a general system of improvement of the Mississippi River and its tributaries. As has been stated very correctly by my colleague on the committee, the gentleman from Virginia, [Mr. JOHNSTON,] the committee having jurisdiction over the main stream of the river should also have jurisdiction over the improvement of its tributaries, because any general system of improvement which may be adopted after investigation, should go not only to the river itself but to all its tributaries.

And why, sir, cannot such a bill as that be passed? We have already passed a law which was not included in any river and harbor appropriation, but passed independently after discussion in this House, appropriating or binding the Government of the United States to pay some $5,500,000 for the improvement of the mouth of the Mississippi River. I refer to the appropriation to carry into effect the contract with Captain James B. Eads to deepen the South Pass of the Mississippi River, which has already borne such important fruits. That bill was thoroughly discussed. It was before the House and it passed upon its merits.

Now, sir, I object to the practice which has been pursued in reference to these river and harbor bills, on estimates or without estimates of the engineers, making appropriations of money here and there for the improvement of the Mississippi River and its tributaries. What good has been done? What advantage has the navigation of the Mississippi River reaped from general appropriations, scattered as they have been from bar to bar and from point to point without any uniform plan, with no general system? What advantage has it been to the improvement of the river? None whatever. It is necessary, if any advantage is to accrue, we should adopt a general system for the improvement of the river and its tributaries.

Besides, sir, our committee has already exercised appropriate jurisdiction over the Mississippi River, and has reported a bill to this House, which has become a law, by which a commission has been established to make the estimates and bring in a report to Congress in reference to a general system of improvement for this river from its headwaters to the head of the passes at its mouth.

The gentlemen on this floor who have cast reflections on this committee have shown zeal without knowledge in their comments on its origin and action. They have misunderstood or misrepresented both. This committee originated in a great want equally felt in this House and in the great communities directly interested in the free navigation of this mighty inland artery. It was because it was found that the existing committees were not adequate to grapple with this question in its full extent, and to bestow upon it the time and labor requisite for a full understanding of the whole question, that the Committee on Levees and Improvements of the Mississippi River was created by this House, and its works can speak for it, short as has been the term of its existence. This is not, and never has been since the first session of the Forty-fifth Congress, a mere levee committee, nor the representative of mere local interests. Its scope has been broader and wider, embracing not alone the question of the levees or alluvial lands, but all questions connected with the improvement of the navigation of the river. Although its duties have never been technically defined in the rules themselves, yet the very title given to the committee defines the jurisdiction, duties, and powers intended to be conferred by this House upon it, the free exercise of which this House has repeatedly sanctioned by its action. Considering the great national importance of the matters confided to it, this committee has investigated thoroughly the whole subject, and after mature deliberation came to the unanimous conclusion that no piecemeal legislation, made up out of petty appropriations here and there, to conciliate local interests, no log-rolling job, would meet the wants and wishes of the great community who dwell on its banks or those of its tributaries, or the still greater multitude whose interests are directly connected with it.

In the course of their investigations they found that this stream had been long neglected and its importance never thoroughly understood, owing to the obstruction of the bar at its mouth, now happily removed. They also found that, although surveys had been made of isolated portions by Army engineers and the Coast Survey, no general system, plan, or theory of improvement had been agreed or acted upon; and it was to supply this great want and provide for a general system of improvement, including the permanent location and deepening of the channel, and protection of its banks against overflow, that the committee reported the bill, now a law, for surveying, examining, and reporting some definite plan to cover these objects. That commission has been and still is at work in maturing a plan and solving the great problem which has so long agitated the country and on which heretofore there has been such a diversity of opinion. When that report shall be submitted to this House, would it be fair or proper or just to this committee and to the House which clothed it with these powers and sanctioned its action, to cast a slur upon the committee, and stultify itself by depriving it of its powers, on the very threshold of its execution, by turning the matter over to another committee hitherto unconnected with it, except incidentally by its general jurisdiction over commerce, and necessarily uninformed on this special subject-matter. The whole opposition to giving its just jurisdiction to this committee seems based on the fact that certain local interests might be prejudiced, or combinations prevented, for securing benefits for certain localities through personal arrangements.

I am perfectly satisfied that it is the general sentiment throughout the country, as I believe it is on the floor of this House, and all the indications of public opinion, outside of a narrow and unstatesmanlike view of local interests, go to confirm it—that the creation and work of this committee have been eminently wise and useful, and that it should be encouraged and aided in perfecting the great work which has been so well begun. Large and influential conventions indorsing and approving its labors have been held at different points in the Mississippi Valley and elsewhere, and urgent calls have been made upon Congress to persevere on the path in which it has commenced its progress. While I cheerfully concede to the Committee on Commerce all the credit justly its due, for the ability which it has manifested in the performance of the duties assigned to it, I must yet insist that as regards this special subject they have never yet had the opportunity of devoting to it the time and investigation necessary to a full comprehension of it, and could not possibly, in the midst of their multifarious duties, bestow upon it the time and attention necessary to such a thorough understanding of so complex a question. For, should this question, which has been so thoroughly investigated by the committee to which it has been specially assigned, be relegated to another committee, to whom it will be a comparatively new question, the whole work will have to be gone over, and long and unnecessary delays created, of infinite detriment to the great public interests, if not to the defeat and destruction of the end in view. Although it is true that in this matter I am representing the interests and the views of my own immediate constituents, yet, sir, I claim also to represent a far wider field and a much larger constituency as well. This is no narrow local interest which the committee of which I have the honor to be chairman represents and was created to guard and foster. It is as wide and as deep as the great river which washes the shores of an empire in extent, production, and population, whose wants and wishes have found their true exponent in the committee appointed to meet and answer them, without touching or trenching on the rights of other members of this great family of States—separate like the billows, but one as the sea.

The voice of the people of the Mississippi Valley has come up here through their conventions like the roar of the waters of their great river, and that voice has been one of approval of the action of the House in creating a special guardian of their interests and those of the entire country, which are equally enlisted in the perfection of the work so happily begun. It is easier to destroy than to create, and the work of destruction advocated by those who are jealous of or misunderstand our work can, if successful, result only in mischief, not in good.

The chairman of the Committee on Commerce is a strong man, but there was once a man stronger than he, who pulled down a structure stronger than even ours. Yet he should take warning from the fate of Samson, and seek to aid us in rebuilding, not task his strength in the work of pulling down that which even he might and would prove incompetent to rebuild.

Mr. Chairman, I leave the decision of this question in the hands of the House, confident that it will not lend itself to the child's play of pulling down one day its work of the day before.

[Here the hammer fell.]

Mr. ROBESON. Mr. Chairman, I am in favor of internal improvements. I believe in developing the resources of this country, but I think I see in this proposition one of such magnitude as to require more careful consideration than we are likely to give it to-day. If it be what I believe it is, I think we should stand hesitating on the brink of the Mississippi before we plunge in. The Mississippi and its tributaries! How simple in expression, how comprehensive in effect! Stretching from the Alleghanies to the great Father of Waters on the one hand, and from the Rocky Mountains down the channel of the Missouri and its tributaries on the other! A stream which covers all the internal relations of this great country. Every great river which flows from the North to the South to be submitted to this committee which was organized for the purpose of establishing and carrying on the levees at the mouth of the Mississippi River!

Mr. Chairman, I believe in giving liberal appropriations for the improvement of that great delta, but I do not believe in making every improvement in every river in the North, in the East, or in the West dependent upon how much we are willing to vote for the levees of the Mississippi River. You who live on the Wabash, you who live on the Allegheny, you who live on the Monongahela, you who live on the Missouri, or the Ohio, or any other river which flows into that great stream, are your appropriations and your improvements to be dependent on the committee which is charged only and organized to be charged only with the duties of establishing and maintaining the levees at the mouth of the Mississippi River?

Mr. ROBERTSON. Will the gentleman permit me to interrupt him for a moment?

Mr. ROBESON. I am through.

Mr. COX. I think, Mr. Chairman, that this debate is useful. It ought not to be suppressed all at once, especially after the magnificent remarks made by the gentleman from New Jersey. I am in favor of the proposition of my friend from Mississippi. Why?

A MEMBER. Of course you are.

Mr. COX. I am not speaking ironically. [Laughter.] I want to see commerce divided. I want to see a unity given to one subject, to wit, the Mississippi River and its tributaries. Why, my friend from Missouri, in offering his amendment a moment ago, told us that the Committee on Commerce was so busy, so engrossed, so overwhelmed with business, that they could not take care of a deflection in the Saint Charles River. I knew that it was in danger of catalepsy. [Laughter.] I knew that they should be relieved, but I was not prepared to believe that my friend from Mississippi was to be the great "medicine man" to afford relief so promptly. [Laughter.]

What is the Mississippi River? Three thousand six hundred miles, and with its tributaries, the Missouri, the Ohio, and others, spreading everywhere, ten thousand miles, all borne along by the great law of gravitation, bearing down our produce to the ocean. And I am not sure, sir, when I reflect how much of our soil is held in solution by this river, as well as by the Missouri, that this question of the levees of the river should not be referred to the Committee on Agriculture. [Laughter.] I think a reasonable proportion of this business should go to the Agricultural Committee.

We have sent abroad this year four hundred millions of bushels of wheat. Our commerce has done that. Why not turn over commerce to the Committee on Agriculture? It is our Navy that protects our commerce. Why not turn over our naval affairs to the Committee on Agriculture? Why not turn the militia over to the Committee on Agriculture; for how can you equip the militia except with corn-stalks? All these things at least tend toward that great element in the industries of our country which gives 87½ per cent. of all the products which we send abroad. Agriculture is our paramount interest. Let us combine commerce, buildings and grounds—grounds—and all these other interests in one grand, magnificent committee at the head of which stands my distinguished friend from Ohio, General LE FEVRE. And then we will see unity in the administration of our affairs.

Mr. WHITE. It is your colleague, Mr. COVERT, who stands at the head of that committee.

Mr. COX. I was thinking of the investigating committee. My distinguished colleague, I know, is engaged in agriculture. He represents also another sort of industry on the coast connected with fishing.

But the Committee on Commerce has absorbed nearly everything. Why, sir, the gentleman from Louisiana, the other day, from the Committee on Commerce, actually reported a bill here about the telephone. The next thing we will hear about the Committee on Commerce they will be after the telescope, the megaphone, the transit of Venus—everything connected with scientific improvement—all will go to my distinguished friend from Texas, [Mr. REAGAN.] [Laughter.]

The gentleman from Texas undertook to tell us something about the "dog under the wagon." I would like to see the watch-dog of the Treasury under every one of the wagons that are depleting the Treasury; the wagon that is taking from the Treasury the contents of its strong box; the wagon which, under the log-rolling system, in spite of all my friend says, without debate, without possibility of amendment, by a vote of two-thirds, in defiance of every legislative canon known to civilized governments, provides appropriations for all those little streams within the States, not like the Father of Waters and its tributaries, not like the great lakes or the harbors on the Atlantic coast, but all the contemptible little streams, the appropriations for which fill sixteen pages of the Statutes at Large and do no good except to help a few men in their congressional districts.

[Here the hammer fell.]

Mr. FRYE. I desire to offer a substitute so that there may be some other proposition for the Committee of the Whole to discuss.

The CHAIRMAN. Does the gentleman desire to debate it now?

Mr. FRYE. I wish it to be read that gentlemen may have an opportunity of discussing it.

The Clerk read as follows:

Fill the blank as follows:
"To the levees of the Mississippi River."
So that the clause will read, if the amendment be adopted:
"To the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River."

Mr. HAWLEY. I desire to protest against the proposition of the gentleman from Mississippi, [Mr. CHALMERS.] I am aware I have spoken frequently, but I cannot permit this to pass without saying at least a word. I shall do it in one minute, and then shall give the rest of my time to the gentleman from Kansas, [Mr. HASKELL.]

This Mississippi business was started by referring the subject to a committee on the levees. And now it is understood everywhere in this House that the question to be decided is whether or not we will embark on a policy which involves an expenditure of $500,000,000. That is the question that is to be settled. We have an able commission investigating the subject, and we can wait for its report. The country desires to be fair and liberal in this matter. Let us get that report, and let us decide upon a broad and general policy. But we are not in a position to do so as yet. We have not the information now.

Before we have heard the first report from the commission we have here a rule establishing a permanent committee on improvements of the Mississippi River, and, moreover, adding to that river every one of its tributaries from the Alleghanies to the Rocky Mountains, and north to Lake Winnepeg. All is to be put under the care of one magnificent committee, and at the same time they are to have the power to report their own appropriations.

I say again the power to order the work to be done and the distribution of the money should be in different hands. If the pending proposition be adopted we are giving to this committee the grandest opportunity for log-rolling that was ever offered by the American Congress. It is proposed that we shall give them the power of appropriating for every Kiskiminetas all along the line when we have not yet decided on the levees. You have not dared to leave the river and harbor bill to the Committee of the Whole. The moment you do that it runs up to fifteen millions; and therefore, for very shame, the river and harbor bill has been taken from the Committee of the Whole and put through on Monday under a suspension of the rules. So with the magnificent bill that would come from this committee. Put it there if you dare; and when every little stream is put in, you cannot for shame pass such a bill except by a two-third vote.

Mr. CHALMERS. We are more than willing that an amendment to the rules should be made that no bill from this committee should pass under a suspension of the rules.

Mr. HAWLEY. That would not do any good. I yield now to the gentleman from Kansas, [Mr. HASKELL.]

The CHAIRMAN. The gentleman has two minutes of his time remaining.

Mr. HASKELL. I have a word or two to say against this proposed amendment of the gentleman from Mississippi. Because I am strongly in favor of the improvement of that river I am sorry to seem for a moment to antagonize that which the friends of the improvement of the Mississippi River place before this House. I object to this amendment not because I am an enemy to that improvement, but because I am a friend of it. It is proposed to divide the Committee on Commerce into two committees—to create two independent committees, each one charged with the subject of improvements, enough, if carried out, to entirely absorb and profitably absorb all the surplus revenues of the Government.

There will surely be a conflict of interest between those two committees. Should the Committee on the Mississippi River and its Tributaries bring in here a bill appropriating the amount which in their judgment they may deem to be wise for the improvement of that river and its tributaries, the sum will be so large that when the Committee on Commerce shall report its regular bill the conservative members of the House will be obliged to defeat both of the bills. That will almost surely be the result.

One committee, and one only, ought to have charge of the whole sub-

ject of the improvement of the navigable waters of the United States. Is it fair to assume that the Committee on Commerce, presided over by a western man and composed of representative men from different portions of the Union, will be less favorable to a wise improvement of one of our important navigable streams than will be a certain other committee? Is it necessary that all these wise, economical, prudent schemes for the improvement of the business of this country shall be parceled out to separate committees? If that is done, then, as a matter of practical parliamentary legislative result, we will find ourselves here on this floor quarreling about questions of jurisdiction, quarreling as to the amounts which we have received each for his favorite scheme. And the bills for those purposes will be so overloaded that the whole business will break down in one crash. That will be the result of it.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I move that the committee now rise.

Mr. BLACKBURN. In view of the fact that there has been such unlimited discussion on the pending amendment, and that the gentleman from Louisiana [Mr. GIBSON] desires to be heard, I ask my friend from Illinois [Mr. TOWNSHEND] not to press at this time his motion that the committee rise.

Mr. TOWNSHEND, of Illinois. There are others here who desire to be heard.

The CHAIRMAN. The committee will resume the consideration of this matter when it next meets. The question is upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committe on Rules and had come to no resolution thereon.

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FEBRUARY 11, 1880.

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ORDER OF BUSINESS.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming consideration of the report of the Committee on Rules; and, pending that motion, I move that all debate on clause 21 of Rule XI now under consideration, and amendments thereto, be limited to ten minutes.

The motion to limit debate was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

REVISION OF RULES.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CARLISLE in the chair,) and resumed consideration of the report of the Committee on Rules.

The CHAIRMAN. The pending question is upon the amendment proposed by the gentleman from Maine [Mr. FRYE] as a substitute for the amendment proposed by the gentleman from Mississippi [Mr. CHALMERS] to clause 21 of Rule XI. The Clerk will read the clause and the proposed amendments.

The clause and the proposed amendments were read.

The pending clause was as follows:

21. —— to the Committee on Levees and Improvements of the Mississippi River.

The blank in the clause, it was moved by Mr. CHALMERS, should be filled by the words:

To the improvement of the Mississippi River and its tributaries, and all surveys and estimates relating thereto.

For which Mr. FRYE had proposed as a substitute the words:

To the levees of the Mississippi River.

Mr. GIBSON. I had an amendment pending which I ask shall now be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana, and the Chair will determine if it is in order.

The Clerk read as follows:

In Rule X, line 24, strike out "levees and" and insert "and its tributaries;" so that it will read:

"On improvement of the Mississippi River and its tributaries, to consist of thirteen members."

The CHAIRMAN. The amendment which the gentleman from Louisiana [Mr. GIBSON] has sent up is to a rule which has been passed in the committee; but, according to the recollection of the Chair, the consideration of the amendment was postponed until the committee should reach clause 21 of Rule XI.

Mr. GIBSON. I have observed, Mr. Chairman, that many misapprehensions exist with regard to the origin, scope, and powers of this committee. I think I may remove them by briefly stating the history of this committee.

Since the acquisition of the Territory of Louisiana, which embraces seventeen States and Territories, the improvement of the Mississippi River has been a question before the Congress of the United States.

The rapid extension of our population into the valley of the Mississippi, the growth of its agricultural and commercial interests, and, within the last few years, the application of modern machinery and improved methods of agriculture, have developed the resources of the Mississippi Valley so that the people of that section demand that they shall receive consideration at the hands of the Congress of the United States.

The Government of the United States donated to the States along the Mississippi River all the public lands that were liable to overflow by that river, in order that the proceeds arising from the sales of those lands should be devoted to the purpose of improving the river. Since then, at every Congress, we have appointed special committee after special committee to take this matter into consideration. It was not, however, until the Forty-fourth Congress that, on my motion, a committee was authorized and appointed, to be one of the standing committees of this House, to take this subject into consideration and to bring it in some authoritative manner before the House of Representatives.

Within the last few years new ideas have been developed in regard to the treatment of the Mississippi River. The success of Captain J. B. Eads in constructing jetties at the mouth of that river has established beyond controversy the fact that as you confine the waters of this stream it deepens its channel. This is an important fact, and the people of that section of the country feel that it has been established by a scientific process that the levees and jetties were instruments of commerce. In the language of the engineers of the United States, in a communication addressed to the Chief of Engineers, the improvement of the navigation of the Mississippi River and the levees of the Mississippi River are inseparably connected as interdependent.

Hence it was that in the Forty-fifth Congress on my resolution this committee was constituted a committee on the improvement of the Mississippi River. We now insist that the committee should also have jurisdiction of the tributaries of the Mississippi River. And how are we confronted? On the one hand the chairman of the Committee on Commerce [Mr. REAGAN] tells us that if we sever these commercial questions, if we divide the continent between two committees, we will defeat all appropriations for the improvement of our rivers and harbors. Upon what ground does that gentleman plant himself when he makes that statement? It is unmistakably on the ground that if you diminish the ability to log-roll in this House you will defeat the appropriations for the improvement of rivers and harbors.

On the other hand, the gentleman from Connecticut [Mr. HAWLEY] tells us that if we divide this subject between two committees and give the Committee on the Mississippi River jurisdiction over the subject of improving the Mississippi River and its tributaries we will increase the facility of log-rolling and bankrupt the Treasury of the United States. Hence you see the strange spectacle presented of those in favor of log-rolling and who want extravagant appropriations joining hands with gentlemen who declare themselves in favor of rigid economy in order to defeat the constitution of this committee. The friends of this committee are on the one hand not parsimonious economists, nor on the other hand are they in favor of a general system of log-rolling. They believe that the Mississippi River is entitled to consideration at the hands of this House; that its main tributaries are also entitled to fair treatment and justice from members of this House. We believe that if this question stands before the House on its merits it will receive the consideration to which it is entitled, and will secure the appropriations that a sense of justice and a sense of the proprieties of the case will require from the representatives of the people.

I request the members of this House to reflect upon the proposition enunciated the other day by the distinguished gentleman from Virginia, [Mr. JOHNSTON,] when he stated that you could not improve the main channel of the Mississippi River without taking into consideration the tributaries, and you could not improve the tributaries without at the same time——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHISTER obtained the floor.

Mr. BAYNE. I ask unanimous consent that five minutes' more time be given for debate.

Mr. BLACKBURN. I make the point of order that it is not competent for the Committee of the Whole to extend the time for debate, when the House by its order has placed a limit upon debate.

Mr. BAYNE. I know the time has been limited, but it was understood that I was to have five minutes upon this question.

Mr. BLACKBURN. I am not a party to any such understanding. I do not desire to speak myself, but I do want to stop the talking and go to voting.

Mr. PHISTER. Am I entitled to the floor?

The CHAIRMAN. If the gentleman desires to speak against the pending amendment, he is entitled to the floor.

Mr. PHISTER. "Divide and conquer" is a motto of both military and political warfare. When the daring adventurer, Cortez, invaded Mexico his success in conquering that people was due more to his skill and energy in exciting and utilizing divisions among their chiefs and tribes than to the prowess of himself and his soldiers, great as it was. The schisms and internecine strifes of the inhabitants of Jerusalem caused that great city to fall before the arms of Titus. We read in Æsop's Fables of the contention between the different members of the human body as to their relative importance in maintaining its life and strength and what would have been the fatal result of such folly but for its cessation. In party contests, we know from history and observation that the aim of the competitors is to distract and divide the followers of rival leaders, and thus achieve an assured victory. We witness every day such efforts on the political chess-board.

Such being the philosophy of history and experience, I must be permitted respectfully to express my surprise at the amendment offered on Friday last by the honorable gentleman from Mississippi, [Mr. CHALMERS,] and the same amendment now offered by the honorable gentleman from Louisiana, [Mr. GIBSON.] It comes from, I believe, friends of river and harbor improvements, and I concede that it is prompted by good intentions. But in my humble judgment it is a mistaken, because an unwise policy. The object of the friends of river and harbor improvements should be to unite and concentrate their efforts, and not to divide. In legislation on this subject let the friends of the great Mississippi join with those on the ocean; let the lakes combine with the Gulf, and the Susquehanna and the Delaware with the Ohio, and they will move with a majesty and power that will command the confidence and support of the people, and deserve and achieve success here in necessary, not unduly extravagant, appropriations. But let our counsels be distracted, let our efforts be divided, and they will be defeated, or their success will be uncertain and limited much below what is necessary.

The object of this amendment is to separate the Mississippi River and its tributaries from the balance of the country in legislation for their improvement. While it may apparently give importance to that river, will it not lead to a struggle between its friends and the friends of great improvements in other parts of the country? Will there not thus be a likelihood of each pulling against the other instead of pulling together, and will not almost certain success be in this way turned into defeat? Reasoning from human nature and experience it seems to me that such will be the result of this amendment. *Fas est ab hoste doceri.* We have seen how readily and almost gratefully those opposed to a national system of river and harbor improvements have received this amendment. Let us take warning in time from this action on their part.

Further, the effect of this amendment will be, I fear, to excite and probably create rivalries between the Mississippi itself and its tributaries. And thus, in their divisions, all may fail. My distinguished friend from Virginia, General JOHNSTON, contemplated this matter in an engineering view. In that light it might be best to have the improvement of the Mississippi and its tributaries under one head. Can this not be under a reference to the Committee on Commerce, which is friendly, as well as if to a special committee on the Mississippi and its tributaries? And cannot, and will not, the surveying and engineering of their improvement be under one general management if the Committee on Commerce has charge of the subject?

It would probably be unjust to attribute this amendment to a desire to magnify the Mississippi at the expense of its tributaries. But may not the effect of it be, for the improvement of that great river, to obscure and belittle the improvement of its tributaries, as its channel receives and absorbs the waters of the Ohio and other confluents? In the natural world the great animals destroy and feed upon the smaller ones. The big fish swallow the little ones. And if the Mississippi is thus to diminish and dwarf the importance of its tributaries will they not combine against the monopoly? And in this struggle the great Father of Waters may unfortunately meet a fate not contemplated by its friends.

If this amendment is to pass, why not have a separate committee on the important harbor of New York, another separate committee on the lakes or for each of the great lakes, and so on, and thus have our counsels divided and our labors frittered away in detail?

No, gentlemen, the true policy is to stand together under one committee, to march together in union and harmony under one banner; and then, as has been shown in previous votes on the rules relative to this matter, we can prevail over any opposition. Division is weakness and may end in failure.

Representing, as I do, a district bordering one hundred and thirty miles on the Ohio, and on a greatly important tributary to it, navigable in and between three States for over one hundred miles, and running through a country abounding in timber, coal, and mineral wealth, I can see no advantage in this amendment to useful work in improving those rivers, but probably much injury to them, and must therefore oppose it.

Let me not be misunderstood in another regard. I class myself as a friend to national river and harbor improvements; but am not in favor indiscriminately of such as are merely local in situation and importance. But wherever a river is a great channel of communication between different parts of the country or has great elements of wealth along its course and runs in or between several States so as to require a combined effort to improve it, there such union and combination can only be successfully achieved through the Federal Government. And in some instances harbors and rivers, though only in one State, may be of such vast importance to the whole country or great sections of it as to be of national significance. The improvement of such rivers and harbors is and should be a national work. And the great Calhoun meant to include the important navigable tributaries when he spoke of the Mississippi as a "great inland sea." Their waters supply it, and it should not pursue a policy that may militate against the importance and improvement of its sources.

[Here the hammer fell.]

The question being taken on the amendment offered by Mr. FRYE as a substitute for the amendment of Mr. CHALMERS, there were—ayes 93, noes 46.

Mr. GIBSON. I call for tellers.

Tellers were ordered; and Mr. GIBSON and Mr. FRYE were appointed.

Mr. DUNNELL. I am satisfied that the question before the committee is not well understood. Perhaps it ought to be stated again.

The CHAIRMAN. The Chair will cause to be read everything pertaining to the pending question. The Clerk will first read the pending clause.

The Clerk read as follows:

21. —— to the Committee on Levees and Improvements of the Mississippi River.

The CHAIRMAN. It will be observed that in the clause as reported by the Committee on Rules, the subject to be referred to this committee is left blank. The gentleman from Mississippi [Mr. CHALMERS] proposes to fill that blank by inserting what the Clerk will read.

The Clerk read as follows:

To the improvement of the Mississippi River and its tributaries, and all surveys and estimates relating thereto.

The CHAIRMAN. The gentleman from Maine [Mr. FRYE] proposes to insert as a substitute for the amendment of the gentleman from Mississippi the language which the Clerk will read.

The Clerk read as follows:

To the levees of the Mississippi River.

The CHAIRMAN. The question is now on the adoption of the substitute proposed by the gentleman from Maine.

Mr. ROBERTSON. Is it in order to offer a further amendment?

The CHAIRMAN. It is not in order now. The committee is dividing.

The committee divided; and the tellers reported—ayes 129, noes 41.

So the amendment of Mr. FRYE was agreed to.

Mr. GIBSON. I presume, Mr. Chairman, that my amendment now comes up?

The CHAIRMAN. The Chair understands that the amendment proposed by the gentleman from Louisiana is an amendment to line 24 of Rule X, to which the committee will return as soon as this matter is disposed of. The gentleman from Louisiana [Mr. ROBERTSON] desired, as the Chair understood, to offer a further amendment.

Mr. CHALMERS. The gentleman from Maryland [Mr. MCLANE] has an amendment to which I think the gentleman from Louisiana [Mr. ROBERTSON] will assent.

Mr. MCLANE. I ask for the reporting of the amendment as it now stands.

The Clerk read as follows:

Insert "to the levees of the Mississippi River;" so that the clause as amended will read: "To the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River."

Mr. MCLANE. I move to amend by striking out the words "to the levees of the Mississippi River," and inserting in lieu thereof the words "the report of the Mississippi River commission." I desire to say a few words in explanation of this amendment.

The CHAIRMAN. The gentleman will remember that by order of the House all debate upon this clause is now closed.

Mr. PRICE. I make a point of order on the amendment of the gentleman from Maryland, that it is not in order to move to strike out what has just been inserted by a vote of the committee.

Mr. MCLANE. I move, then, to amend the amendment by adding the words "and the report of the Mississippi River commission."

The CHAIRMAN. The gentleman from Maryland misapprehends perhaps the situation of the question.

Mr. MCLANE. Will the Chair explain it?

The CHAIRMAN. The gentleman from Mississippi [Mr. CHALMERS] moved an amendment to insert certain words in the blank left by the Committee on Rules. The gentleman from Maine [Mr. FRYE] proposed a substitute for that amendment, which the Committee of the Whole has just adopted; so that the question is now upon the adoption

of the amendment proposed by the gentleman from Mississippi as amended by the vote of the committee on motion of the gentleman from Maine.

Mr. McLANE. Now I desire to inquire whether the substitute is not open to amendment.

The CHAIRMAN. The gentleman from Maryland now offers a substitute for the substitute which the Committee of the Whole has just adopted.

Mr. McLANE. I suppose I need not offer it as a substitute, but may offer it as an amendment.

The CHAIRMAN. But it is in fact a proposed substitute for the substitute which the committee has just adopted.

Mr. CHALMERS. Not necessarily.

The CHAIRMAN. The gentleman from Maryland will please explain his motion.

Mr. McLANE. I understand the case now to be that the words proposed by the gentleman from Maine have been adopted as a substitute for the words proposed by the gentleman from Mississippi. The latter words have now disappeared, and in lieu thereof stand the words proposed by the gentleman from Maine. Now I propose to amend the substitute as amended by the committee. I take it for granted that the substitute is open to amendment, and as I cannot move to strike out I move to add the words "and the report of the Mississippi River commission." This motion, I think, is strictly within parliamentary rule. In support of this amendment I wish to say a word.

The CHAIRMAN. The Chair did not understand the proposition of the gentleman from Maryland as he now states it. If he proposes now to add the words "and the report of the Mississippi River commission," the Chair will hold the motion to be in order. But that is not the amendment which was sent to the desk and read to the committee.

Mr. McLANE. The amendment I have just stated is the one I desire to offer.

Mr. PRICE. I make the point that debate on the pending clause is closed.

The CHAIRMAN. Debate on this clause is closed by order of the House, and the Chair has no discretion in the matter.

Mr. GIBSON. I rise to a parliamentary inquiry. I had the honor to offer an amendment to line 11 or 12. The order of the committee was that this amendment was to be considered as pending when we should reach line 24. I would like to inquire whether that amendment is not now pending?

The CHAIRMAN. The Chair will state the situation as understood here at the desk. When Rule No. X as reported by the Committee on Rules was under consideration, the gentleman from Louisiana [Mr. GIBSON] proposed an amendment to line 24, and the gentleman from Mississippi, [Mr. CHALMERS,] according to the recollection of the Chair, also proposed an amendment to line 25, to increase the number of members of the committee. By unanimous consent, those two amendments were passed over until the committee reached Rule No. XI, which is now under consideration, and should dispose of the clause as proposed by the committee. The Chair intended at all times, as soon as the committee disposed of clause 21, to return to lines 24 and 25 of Rule X, and dispose of the amendments proposed by the gentleman from Louisiana [Mr. GIBSON] and the gentleman from Mississippi, [Mr. CHALMERS.]

Mr. REAGAN. What is the question before the House?

The CHAIRMAN. The amendment of the gentleman from Maryland, [Mr. McLANE.]

Mr. REAGAN. I only rise to say——

The CHAIRMAN. Debate is not in order.

Mr. McLANE. I withdraw my amendment.

Mr. REAGAN. Was the amendment to the amendment of the gentleman from Maine an amendment to it or a substitute for it?

The CHAIRMAN. A substitute for it, and the question remains of filling the blank of the amendment with the number of the committee.

Mr. REAGAN. I wish to understand it. An affirmative vote fills the blank by the word "levees."

The CHAIRMAN. It will, in the manner just adopted by the committee.

Mr. ROBERTSON. I rise to a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTSON. Is this the amendment offered by the gentleman from Maryland?

The CHAIRMAN. No; that amendment is withdrawn.

Mr. ROBERTSON. Then I renew it, to come in after the word "levees," and for the sole purpose that this committee shall have the right to take charge of the report of the commission they themselves created. [Cries of "Order!"]

The CHAIRMAN. Debate is not in order, and the question recurs on the amendment to insert the words "and the report of the Mississippi River commission."

Mr. ACKLEN. I should like to ask a parliamentary question. Has that report been made or is it a report yet to be made?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. ACKLEN. It is a question for information.

The CHAIRMAN. The Chair is not informed whether it is or not.

Mr. ACKLEN. I make this point, that if the amendment refers to a report yet to be made——

The CHAIRMAN. Debate is not in order.

Mr. ROBESON. I ask that the resolution creating the commission and defining its powers be read.

The CHAIRMAN. That is not in order.

Mr. ROBESON. I ask that the proceedings of the House which authorized the commission, whose report is now to be submitted to this committee, and which defines the power of that commission, be read by the Clerk.

The CHAIRMAN. That is a law passed by Congress which every gentleman can see, and its reading would be in the nature of debate, which is prohibited under the rules.

Mr. GIBSON. I hope the gentleman's request will be complied with.

Mr. ROBERTSON. I hope so too.

The CHAIRMAN. It cannot be complied with if objection is made.

Mr. ROBERTSON. I hope it will be complied with to show the gentleman from New Jersey——

The CHAIRMAN. Debate is not in order.

Mr. HAWLEY. It has got to go there anyhow.

Mr. ROBERTSON. If so, then all right. I demand a division of the committee on the amendment I have offered.

The committee divided; and there were—ayes 10, noes 66.

So the amendment to the amendment was rejected.

The question recurred on Mr. CHALMERS's amendment as amended, and it was adopted.

The CHAIRMAN. The Clerk will now return, under the order of the committee, to lines 24 and 25 of Rule X, so as to dispose of the amendments there pending. The amendment of the gentleman from Louisiana [Mr. GIBSON] will first be read.

The Clerk read as follows:

Rule X, line 24, amend by striking out "levees and" and insert "and its tributaries;" so it will read: "on improvement of the Mississippi River and its tributaries, to consist of eleven members.

The amendment was rejected.

The question next recurred on Mr. CHALMERS's amendment; which was read, as follows:

Strike out "eleven" and insert "thirteen;" so it will read, "on levees and improvement of the Mississippi River, to consist of thirteen members."

The amendment was rejected.

The CHAIRMAN. The Clerk will now return to Rule XI, clause 22.

The Clerk read as follows:

22. To education and labor: to the Committee on Education and Labor.
23. To the militia of the several States: to the Committee on the Militia.
24. To patents: to the Committee on Patents.

Mr. VANCE. I move to amend so it will read, "and that the Committee on Patents shall receive the estimates and report the appropriation bills for the support of the United States Patent Office."

Mr. Chairman, the Committee of the Whole have directed that the Committee on Agriculture, the Committee on Public Buildings and Grounds, and the Committee on Commerce shall have control of the appropriation bills for all matters pertaining to those different departments. I think it is equally important that the Committee on Patents should have control of, and report, appropriation bills for the support of the United States Patent Office.

It will be borne in mind, Mr. Chairman, that the country is not taxed to support the Patent Office of the United States. There is not a dollar of tax laid upon the people of this country for its maintenance or support. It is supported by the inventors of the country. The report of the Commissioner of Patents for the year 1879 shows that there were applications for patents amounting to 19,300; applications for design-patents, 697; for the reissue of patents, 639; for registration of trade-marks, 1,465; patents granted, (including reissues, designs, &c.,) 12,471; labels registered, 403.

The total receipts of the Patent Office for the year 1879 aggregate, according to this report of the Commissioner of Patents, $703,146.79. Of this amount there was expended for the Patent Office itself, $548,651.47, showing an excess of receipts above the expenditures of $154,495.32.

Now, sir, I think it is a reasonable proposition, as the Patent Office is supported by the money paid into it by the inventors of the whole country, that the Committee on Patents should have exclusive jurisdiction and control of the legislation affecting this great interest. While it is admitted that the interests of agriculture are of great importance to the country, it cannot be denied that the development of the country, and the development to a large extent of agriculture itself, are greatly indebted to the success of our system of patents. The interests of agriculture in this country have been greatly enhanced by the development of the patent system. There is no one department of this Government which has done more for the material welfare and prosperity of the people than that. The million of bushels of grain, of corn, wheat, and every other kind of grain known to our agricultural interests have been added to and increased by the invention and successful operation of labor-saving machinery, fostered, as such inventions have been, by the patent laws of this country. I think it is true that the appropria-

tions for the Patent Office for many years were reported by the Committee on Patents, and I see no reason why they should not continue to be reported by that committee.

At the present time it is very important that the Committee on Patents should have control of the appropriations, from the fact that I hold in my hand the report of the Commissioner of Patents which states that he has not under his control a sufficient force to do the work of the office, and it is alleged to be a fact, and I believe it to be true, that at this time the inventors of the country are compelled to wait a month before they can receive their patents after the application has been filed.

[Here the hammer fell.]

The committee divided; and there were—ayes 39, noes 82.

So the amendment was rejected.

Mr. NEWBERRY. I move to insert, after the word "patents," in this clause 24, the words "copyrights and trade-marks;" so that it will read, if adopted:

To patents, copyrights, and trade-marks: to the Committee on Patents.

I think, Mr. Chairman, that this amendment needs no extended remarks from me in support of it. It would seem to commend itself at once to the consideration of everybody that these are cognate subjects and should be referred to the same committee.

Mr. TUCKER. The Supreme Court has decided that trade-marks are unconstitutional.

Mr. NEWBERRY. But there are questions now pending with regard to these very things based upon the decision of the Supreme Court, which, if it is proper, should be referred to a committee, and there can be no more appropriate committee than the Committee on Patents.

Mr. HASKELL. Mr. Chairman, I do not see why we should adopt this amendment. As the gentleman from Virginia [Mr. TUCKER] says, the Government has no power to issue any trade-mark patents or license. The whole question of copyrights belongs exclusively to the Librarian of Congress.

Mr. CLYMER. To the Committee on the Library.

Mr. HASKELL. To the Committee on the Library, and that committee should have charge of the question of copyrights, if any committee is to be placed in charge of the subject. The Committee on Patents have nothing whatever to do with the Library, and there is no such thing as a copyright, while the Supreme Court has ruled out the trade-mark altogether. I do not see any reason why this committee should be encumbered with what does not belong to it, and with matters over which it can exercise no possible control.

Mr. FINLEY. I move to amend the amendment of the gentleman from Michigan by striking out the word "copyright."

The CHAIRMAN. The gentleman from Ohio [Mr. FINLEY] proposes to amend the amendment of the gentleman from Michigan [Mr. NEWBERRY] by striking out the word "copyrights."

Mr. CLYMER rose.

Mr. TOWNSHEND, of Illinois. I object to debate. The committee is dividing.

The CHAIRMAN. Debate is not in order.

The question being taken on Mr. FINLEY'S amendment to the amendment, there were ayes 14, noes not counted.

So the amendment to the amendment was not agreed to.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Michigan, [Mr. NEWBERRY.]

Mr. CLYMER. Upon that I can say a word. I move to strike out the last word. I wish the committee not to do a thing which I think they will regret. The whole subject of copyrights is by law committed to the Library.

Mr. HAWLEY. But we have a right to amend the law.

Mr. CLYMER. But not by a rule of this House.

Mr. TOWNSHEND, of Illinois. If a petition were sent in here relating to copyright, would it not be competent to refer it the Committee on Patents?

Mr. CLYMER. It would, if such were the pleasure of the House. But that subject properly belongs to the Library, and is in the hands of the Committee on the Library. Why should it go to the Committee on Patents rather than to any other committee? If any gentleman can show any relation between the two subjects, I would be glad to hear him.

Mr. HAWLEY. These subjects come together in the Constitution, and are evidently in the contemplation of that instrument cognate subjects. We grant certain privileges to inventors and we grant certain privileges to authors. The two subjects go together.

I know that so far as registering a copyright is concerned, that is committed to the Librarian of Congress. You go to the Librarian, pay your fee, deposit two copies of your book, and get a certificate of copyright. But suppose it is thought necessary to have some new legislation concerning copyrights, the subject would have to go to some committee. And what would be more natural than that it should go to the Committee on Patents, a copyright being next door to a patent, one being a patent on a book and the other is a patent on a machine.

As to trade-marks it is quite proper that subject should go there also. The Supreme Court has decided that the trade-mark law is unconstitutional; but there remain on the statute-book some unrepealed laws on the subject, and in the Treasury there are large sums paid by our people on the supposition Congress was giving them some rights; and there may be petitions for a constitutional amendment in favor of trade-marks. Papers may come before us relating to trade-marks, although the law has been declared unconstitutional.

These are evidently cognate subjects. We have a Committee on Patents, and why those other matters should not be put under charge of the same committee I cannot understand.

Mr. NEWBERRY. By referring to the first paragraph of Rule XI it will be seen in what connection this amendment places the whole subject. It says:

All proposed legislation shall be referred to the committees named in the preceding rule as follows, namely: Subjects relating—

And if my amendment be adopted, it will read:

To patents, copyrights, and trade-marks: to the Committee on Patents.

It will not be contended for an instant that there cannot be legislation here, as has been suggested by the gentleman from Connecticut, with regard to trade-marks and also in regard to copyrights, although the Supreme Court may have declared the present law in regard to trade-marks unconstitutional.

The question being taken on Mr. NEWBERRY'S amendment, there were—ayes 69, noes 28.

So (further count not being called for) the amendment was adopted

The Clerk resumed the reading of Rule XI, and read the following:

25. To the pensions of the civil war: to the Committee on Invalid Pensions;
26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;
27. To private and domestic claims and demands whatsoever, other than war claims against the United States: to the Committee on Claims.

Mr. NEWBERRY. Unless the Committee on the Revision of the Rules have some particular reason for retaining the word "whatsoever" in clause 27, I will move to strike it out. It adds nothing to the force of the paragraph, and it does not follow the phraseology of the other clauses. For instance, take clause 16:

To railways and canals other than Pacific railroads.

The word "whatsoever" is not inserted there. Again in clause 19:

To the public buildings and occupied or improved grounds of the United States.

You do not say "whatsoever." But in clause 27 it is said:

To private and domestic claims and demands whatsoever.

It seems to me the word "whatsoever" is redundant.

Mr. BLACKBURN. I am perfectly willing to have the word struck out provided we can come to a vote.

There being no objection, the word "whatsoever" was struck out.

The CHAIRMAN. The Chair would suggest that instead of "the Committee of Claims" the name of the committee should read "Committee on Claims."

Mr. BLACKBURN. That is a typographical error.

The CHAIRMAN. If there be no objection the correction will be made.

There was no objection.

The Clerk resumed the reading of the bill, and read as follows:

28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims;
29. To private claims to lands: to the Committee on Private Land Claims;
30. To the District of Columbia: to the Committee for the District of Columbia.

Mr. BLACKBURN. I am directed by the committee to offer the amendment to clause 30 which I send to the desk.

The Clerk read as follows:

After the word "Columbia," in line 1, insert the words "other than appropriations therefor;" and strike out the word "for" and insert "on;" so that it will read:

"To the District of Columbia, other than appropriations therefor: to the Committee on the District of Columbia."

The amendment was agreed to.

The Clerk read as follows:

31. To the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws;

32. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several departments, as follows:

33. In the Department of State: to the Committee on Expenditures in the State Department;
34. In the Treasury Department: to the Committee on Expenditures in the Treasury Department:
35. In the War Department: to the Committee on Expenditures in the War Department:
36. In the Navy Department: to the Committee on Expenditures in the Navy Department;
37. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;

38. In the Interior Department: to the Committee on Expenditures in the Interior Department;
39. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;
40. To public buildings: to the Committee on Expenditures on the Public Buildings;
41. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;
42. Touching the expenditure of the contingent fund of the House, the auditing and settling all accounts which may be charged therein by order of the House: to the Committee of Accounts;

Mr. WHITE. I move to amend by adding to clause 42, just read, that which I send to the Clerk's desk.

The Clerk read as follows:

And such committee shall make no allowance on contracts or agreements for furnishing material or labor for the House, unless the contract or agreement therefor shall have been previously made and approved by the Clerk of the House.

Mr. WHITE. I offer that amendment merely to make this clause harmonious with the concluding provisions of clause 3 of Rule III, which provides, under the head of "duties of Clerk," that the Clerk shall "make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor, for the House of Representatives, in pursuance of law or order of the House." He is the ministerial officer of the House in that respect. The present rule of the House upon that subject, Rule 21, adopted January 30, 1846, is as follows:

All contracts, bargains, or agreements, relative to the furnishing any matter or thing, or for the performance of any labor, for the House of Representatives, shall be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee of Accounts.

I think it was the intention of the Committee on Rules to retain in this revision that provision of the present rules. It has been inadvertently left out, I think, and I offer this amendment merely to make this clause harmonious with what has heretofore been adopted by the House.

Mr. HASKELL. I desire for one to object to this practice of amending the title of a bill by injecting into that title a mass of legislation. These clauses now under consideration are not descriptive of the powers and duties of committees, and it does not seem to me that this is the place to adopt an amendment directing what a committee shall do. I suggest that there is a proper place in these rules for that direction, and that place is not here. I shall vote against the amendment.

Mr. WHITE. The amendment which I have offered is exceedingly brief and merely preserves the existing rule which requires that all contracts for the furnishing of material, labor, &c., for this House shall be made by the Clerk of the House. My amendment merely indicates that the Committee on Accounts shall first require that that rule be followed before they pass any account. It is merely re-enacting what we have already ordered.

The question was taken upon the amendment of Mr. WHITE; and it was not agreed to upon a division—ayes 15, noes 56.

The Clerk read as follows:

43. The ascertainment of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms.
44. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;
45. All proposed legislation or order touching printing shall be referred to the Joint Committee on Printing on the part of the House;
46. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills; and said committee shall have leave to report at any time;

Mr. ROBINSON. I move to amend clause 46, just read, by striking out all after the word "bills," where it occurs the second time; that is, the words "and said committee shall have leave to report at any time."

Mr. FRYE. That is right.

Mr. ROBINSON. These words are not necessary in this clause, because the direction is repeated in the next clause.

Mr. BLACKBURN. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the following:

47. The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent und of the House.

Mr. CONVERSE. I move to add to clause 47, just read, that which I send to the Clerk's desk.

The Clerk read as follows:

Every report shall be in writing, and shall give the names of the members of the committee who concur in the recommendations thereof.

Mr. CONVERSE. I desire to say but one word in favor of that amendment. It appears to me to be in the interest of economy, and I think the effect will be to require of committees more careful examination of the subjects before them. It brings individual responsibility to bear upon the question of reports, and I hope the amendment will be adopted.

Mr. ROBINSON. It seems to me that the language of the amendment will not quite accomplish what is desired by the gentleman from Ohio, [Mr. CONVERSE.] If he adds that to clause 47 it will apply only to the committees named in that clause. I suppose the gentleman desires to have it apply to all the committees of the House.

Mr. CONVERSE. If it is deemed more advisable, I will move to add it to Rule XI as a separate clause—as clause 48.

Mr. ROBINSON. It should be a separate clause.

Mr. LAPHAM. If it is added to clause 47 it will apply to the Committee on Enrolled Bills named in that clause; and it could hardly be expected that all the members of that committee shall have their names appended to any report made from the committee.

Mr. MILLS. Before any additional clause is added to Rule XI I desire to move an amendment to clause 47, which amendment I send to the Clerk's desk.

The Clerk read as follows:

The Committees on Ways and Means, on Banking and Currency, and on Coinage, Weights, and Measures shall have leave to report at any time, and on motion of any member a majority of the House may fix a day for the consideration of any public bill reported by either of said committees, and the House may continue the consideration of such bill from day to day till disposed of.

Mr. MILLS. The proposition which I now offer is the present rule, word for word. It is the rule which was adopted at the commencement of our recent extra session. This Congress then determined that the Committee of Ways and Means, the Committee on Banking and Currency, and the Committee on Coinage, Weights, and Measures should not only have the privilege of reporting at any time, but also should have the privilege of calling upon the House to fix a day for the consideration of a bill so reported and to continue the consideration of such bill from day to day until disposed of. I do not care to repeat the arguments which I then made, or the argument which I made the other day, why this rule ought to be continued. I think the Committee on Banking and Currency and the Committee on Coinage, Weights, and Measures ought to continue as privileged committees of this House. It is for the House now to decide whether it will recede from the course taken at the commencement of this Congress in reference to this question.

Mr. DUNNELL. Rule XIII proposes that hereafter when committees report the bills reported shall go immediately to one of three calendars. Now, if we adopt Rule XIII we shall be under the necessity of keeping those calendars clear. We do not want a rule that will allow bills to be brought before the House from day to day without regard to those calendars. The adoption of the rule which the gentleman suggests will thoroughly defeat the consideration of measures which may go under Rule XIII to these three calendars.

Mr. FRYE. The reasons which prompted the adoption of the rule authorizing the two committees named by the gentleman from Texas to report at any time will, after these new rules are adopted, cease to exist, because those committees will be called as often as once a week at any rate. Now, the purpose of the Committee on Rules was to get rid of special orders piling themselves one upon another as the session progresses. As to general appropriation bills and measures coming from the Ways and Means Committee; the Committee on Rules have authorized me to offer an amendment, when the proper point is reached, giving the Committee of Ways and Means and the Committee on Appropriations the right to move at any time after the morning hour, not before the morning hour, to go into Committee of the Whole on the state of the Union for the consideration of particular appropriation bills or bills raising revenue. I think that the proposition of the gentleman from Texas is entirely unnecessary, and its adoption would interfere very decidedly with the general scheme and plan of this revision.

Mr. WARNER. Will not the reason which the gentleman from Maine has given in opposition to the amendment of the gentleman from Texas apply as well to the whole of clause 47, which proposes to give special privileges to certain committees?

Mr. FRYE. That is because there may arise exigencies in which it may be absolutely necessary for the committees named to report at any time; for instance, as to a bill for raising revenue. As to the general appropriation bills the gentleman himself has seen the exigency. In reference to the other committees named in clause 47, their duties relate to matters of importance to the House—matters of privilege, matters of printing, matters connected with the contingent fund.

The question being taken on the amendment of Mr. MILLS, it was not agreed to.

Mr. CONVERSE. I now offer the following, to come in as clause 48:

Every report shall be in writing, and shall give the names of the members of the committee who concur in the recommendation thereof.

I desire to state one suggestion in reply to the gentleman from New York, [Mr. LAPHAM.] My opinion is that this rule ought to apply to all committees, including the Committee on Enrolled Bills, because, as I am told, it has sometimes been charged that mistakes have been made in enrolling bills. Hence we ought to know what members of that committee have examined any bill reported and what members concur in the report, so that it may be known where the responsibility rests.

Mr. WHITE. Is it the purpose of this amendment to require that

the members concurring in a report shall sign their names, or simply that their names shall be stated in the report?

Mr. CONVERSE. The object is that the report shall show the names of the members concurring in it.

Mr. WHITE. Why not require them to sign it?

Mr. CONVERSE. I have no objection to that; but it might cause more trouble than the provision I propose.

Mr. HASKELL. Mr. Chairman, I find myself compelled to oppose this amendment for various reasons. No committee of this House probably has a full attendance of all its members in the course of a month. It transacts its business when a quorum is present. A bill may be agreed to by all the members present or by all except one member. But some members are on two committees and must be absent from one. Now, this proposed rule would compel the member in charge of a bill to present his report to the committee, secure their approval, and then go through the Capitol or the city hunting the other members of the committee to ascertain their opinions on the merits of the bill and compelling men who have not listened to the report of the sub-committee and have not had time to examine the merits of the measure to commit themselves to a written report over their signatures for or against the bill.

Now, many a bill passes in my committee perhaps during my absence; a report is made to the committee, and the bill is approved unanimously by those present. Coming upon the floor of this House, I hear a report made from my committee; I notice the bringing forward of a bill in which I am interested, and which the committee has approved in my absence. I have not had time to examine it, but the debate on the floor develops reasons for or against the measure; and I take my position upon it in debate. Now, I do not desire to be obliged to scrutinize every little bill that passes in my committee, and to come to a deliberate conclusion upon it, to be published before this House.

Again, Mr. Chairman, the action of committees is designed to be confidential. You cannot secure the fair consideration of a bill if every man's position upon it is to be bruited abroad, and every lobbyist enabled to train his guns on perhaps a single offending member who disagrees with the majority supporting the bill. Under the operation of this amendment you subject this whole House to a cross-fire of every lobbyist that happens to be in the city.

Let the men who procure the passage of a report through the committee come upon this floor and defend it. Let those who have been compelled to absent themselves from the committee be allowed to listen to the debates on the bill, and to form their conclusions here, without being compelled to make a formal agreement or disagreement.

[Here the hammer fell.]

Mr. WHITE. I move to strike out the last word. I favor this proposition. In my humble opinion it is just what the American Congress requires. If you look over the proceedings of other legislative bodies in the United States, you will find the report has appended to it the signatures of the gentlemen who concur in making it. It gives to these reports the test which we all know has more to do with the legislation of this body than any other feature of our organization, more of the character of deliberation. It gives them somewhat of the judicial character. The judges of every court in the country are recorded as concurring or refusing to concur in the judgment rendered.

The objection of my friend from Kansas [Mr. HASKELL] that it will subject gentlemen who do not seem to concur to a cross-fire of different lobbyists who come here to look after legislation, does not seem to me to be well taken.

Mr. HASKELL. Will the gentleman allow me to ask him a question?

Mr. WHITE. The same objection would be good in favor of every member of the committee.

Mr. HASKELL. Let me ask the gentleman a question.

Mr. WHITE. Certainly.

Mr. HASKELL. I wish to ask the gentleman from Pennsylvania whether during this session of Congress he is prepared now to sign the majority or minority report on every bill which was ordered to be reported by his committee? I ask him whether he is willing to do that now? I wish an answer.

Mr. WHITE. I am willing to answer. I am willing to sign all reports ordered to be made when I was present and in which I concurred.

Mr. HASKELL. But are you ready to sign every report from your committee during this session of Congress?

Mr. WHITE. It is a fair question and I will answer it fairly. I am willing to sign every bill and report passed by the committee when I was present and in which I concurred. As a member of the committee I should be willing to assume the responsibility of every report in which I concurred, and I should be a coward if I refused to do so.

Mr. HASKELL. Are you willing to sign every report made when you did not happen to be there?

Mr. WHITE. Not at all; and this does not contemplate any such thing. It affects only those who concur in the judgment of the committee that their names shall be recited in the report.

Mr. FRYE. I wish to ask the gentleman from Ohio one question. The report made by any committee is supposed to be, of course, the report of the majority, as the minority is only entitled to give its views. I concur in part of his proposition, and I ask him whether he would accept this as a substitute: "Every bill or resolution reported by any of said committees shall be accompanied by the reasons therefor in writing, which shall be printed?"

Mr. CONVERSE. That does not reach the point of my amendment. If I may be allowed one minute or two more, the object of this bill is that the House shall know what members of a committee concur in the recommendations which that committee makes. What is the object of having committees in the House? It is in order that those committees shall examine the question submitted to them and return to us their opinion and their judgment upon which we ought to and do act. Is it not we shall know whether a majority of the committee concur in the recommendation or not? Any action of the minority of that committee is or should be a report to this House. None but a majority of the entire committee should be allowed to return a report to this House recommending action on its part. This amendment will secure that point, and will disclose the names of the persons on the committee who concur in its recommendation; and all are not bound by the reasoning which may be offered in the report, but only the names of such as concur in the recommendations of the committee. That is all the amendment embraces.

Mr. WHITE, by unanimous consent, withdrew his formal amendment.

The committee divided; and there were—ayes 45, noes 80.

Mr. CONVERSE demanded tellers.

Tellers were ordered.

Mr. CONVERSE and Mr. HASKELL were appointed.

The committee again divided; and the tellers reported—ayes 41, noes 98.

So the amendment was rejected.

Mr. ROBINSON. I move to add the following as an additional clause:

48. No committee shall sit during the sitting of the House without special leave.

Mr. Chairman, I observe that has been omitted. It is the present rule, and it seems to me that it ought to be retained. I do not understand that there is any reason why it should be omitted. Unless some objection is made to it I do not see the necessity for discussing it.

Mr. BLACKBURN. If the gentleman will permit me he will remember that there is already a rule, the first clause of Rule VIII, which requires every member of the House to be in his seat, but if in the judgment of the House this is deemed essential, I shall not object.

Mr. ROBINSON. That is a very indefinite rule. We have had it here since 1794 and it will do no harm, for the proper transaction of the business of the House, to retain it.

Mr. BLACKBURN. I do not care about it.

The amendment was agreed to.

Mr. SHALLENBERGER. I desire to offer a substitute for the entire rule, and I wish to say a word before the Clerk proceeds to read the substitute, as this is a very important rule and as the substitute is lengthy. I desire to say that I have marked only those clauses which have been amended by the committee and proposed to be amended by this substitute. I do not think it necessary that the Clerk should read the clauses word for word where there was no proposition to amend. Hence I have marked just such clauses in this rule as have either been adopted by the deliberate action of the committee or which I propose to amend by this substitute.

Mr. SPRINGER. Without reading the entire substitute I suggest that the gentleman from Pennsylvania be permitted to explain the matter, as we understand it refers to the division of the powers of the committee and it is not necesaary to read it at all, as it will take some time to do so.

Mr. MORRISON. Let it be read.

The Clerk read as follows:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members: to the Committee on Elections;

2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations; and the several appropriation bills, when reported to the House by the committees in which they originate, shall be referred to the Committee on Appropriations to be reported back to the House after due consideration, with such recommendation as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it and upon its passage: *Provided*, That each committee in presenting and debating an appropriation bill shall have equal time and equal privileges upon the floor with the Committee on Appropriations;

4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

5. To banking and currency: to the Committee on Banking and Currency;

6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

7. To commerce: to the Committee on Commerce; and the Committee on Commerce shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills;

8. To agriculture: to the Committee on Agriculture;

9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs; and this committee shall report the consular and

diplomatic appropriation bill for reference to the Committee on Appropriations;

10. To the military establishment and the public defense: to the Committee on Military Affairs; and this committee shall report the annual appropriation bills for the support of the Army and the Military Academy at West Point, for reference to the Committee on Appropriations;

11. To the naval establishment: to the Committee on Naval Affairs; and this committee shall report the annual appropriation bill for the support of the Navy, for reference to the Committee on Appropriations;

12. To the Post-Office and post-roads: to the Committee on the Post-Office and Post-Roads; and this committee shall report the annual appropriation bills for the service of the Post-Office Department, and for mail transportation by ocean steamers, for reference to the Committee on Appropriations;

13. To the lands of the United States: to the Committee on the Public Lands;

14. To the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs; and this committee shall report the annual appropriations for expenses of the Indian Department, and for carrying out the treaties and obligations of the Government with the Indian tribes, for reference to the Committee on Appropriations;

15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals;

17. To the manufacturing industries: to the Committee on Manufactures

18. To the mining interests: to the Committee on Mines and Mining;

19. To the public buildings and occupied or improved grounds of the United States: to the Committee on Public Buildings and Grounds; and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations;

20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

21. To the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River;

22. To education and labor: to the Committee on Education and Labor;

23. To the militia of the several States: to the Committee on the Militia;

24. To patents, copyrights, and trade-marks: to the Committee on Patents;

25. To the pensions of the civil war: to the Committee on Invalid Pensions; and this committee shall report the annual appropriation bill for the payment of invalid and other pensions, for reference to the Committee on Appropriations;

26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;

27. To private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims;

28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

29. To private claims to lands: to the Committee on Private Land Claims;

30. To the District of Columbia: to the Committee on the District of Columbia; and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations.

31. To the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws.

32. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several Departments, as follows:

33. In the Department of State: to the Committee on Expenditures in the State Department;

34. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

35. In the War Department: to the Committee on Expenditures in the War Department;

36. In the Navy Department: to the Committee on Expenditures in the Navy Department;

37. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;

38. In the Interior Department: to the Committee on Expenditures in the Interior Department;

39. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;

40. To public buildings: to the Committee on Expenditures on the Public Buildings;

41. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;

42. Touching the expenditure of the contingent fund of the House, the auditing and settling all accounts which may be charged therein by order of the House: to the Committee on Accounts;

43. The ascertainment of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms;

44. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;

45. All proposed legislation or order touching printing shall be referred to the Joint Committee on Printing on the part of the House;

46. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills;

47. The following named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

48. *No* committee shall sit during the sitting of the House without special leave.

Mr. BLACKBURN. As we have had at least two weeks' debate upon the very proposition involved in this substitute, and looking only to an expedition of the work in the Committee of the Whole, I will move now that the committee rise and go back into the House with the view of agreeing upon a limit that we will put upon the debate. Of course it will not interfere with the right of the gentleman from Pennsylvania.

The committee divided; and there were—ayes 102, noes 3.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole on the state of the Union, to continue the consideration of the report of the Committee on Rules; and pending that motion I move that all debate be closed upon the substitute pending for Rule XI, and all amendments thereto, in ten minutes. At the suggestion of several members, I will say twenty minutes.

Mr. FINLEY. Then I will move an amendment, to strike out "twenty" and insert "ten."

Mr. ATKINS. I hope the gentleman from Kentucky [Mr. BLACKBURN] will adhere to his motion as he originally made it, limiting the debate to ten minutes.

Mr. BLACKBURN. Very well. I adhere to my original motion to limit debate to ten minutes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to, (Mr. CARLISLE in the chair,) and resumed consideration of the report of the Committee on Rules.

The House accordingly resolved itself into Committee of the Whole on the State of the Union.

The CHAIRMAN. By order of the House all debate on the pending substitute for Rule XI is limited to ten minutes. The Chair will divide that time equally between the friends and opponents of the substitute.

Mr. SHALLENBERGER. My purpose in offering this amendment as a substitute has been, if possible, to save this rule and all the rules from possible rejection as a whole. I fear that if this rule, as now amended, shall stand on a final yea-and-nay vote in the House, there will be danger that these rules shall be rejected entirely, as such a contingency has been more than suggested. I have carefully prepared this substitute so as to embody two or three distinct propositions not heretofore presented to the committee. I call the attention of the committee to clause 3, in which I provide that the time on the floor shall be divided between the committee reporting an appropriation bill and the Committee on Appropriations. I provide further and specifically that each committee reporting a general appropriation bill shall have the control of it on the floor; that it shall have the right to report at any time; that it shall have equal privileges in fact with the Committee on Appropriations, when presenting a general appropriation bill.

I allow the Committee on Public Buildings and Grounds no more right than I allow the Army Committee or Navy Committee and the committees which have in charge the other specific branches of the public service. I except from the operation of this substitute the Committee on Commerce. I allow that committee undivided control of its own bill because the judgment of the Committee of the Whole has settled that beyond a peradventure. We all see they will have it. We might as well accept the fact that the Committee of the Whole and the House by a two-thirds vote will give to that committee the undivided control of its own appropriations in all probability.

My purpose is to give the careful preparation and control of each appropriation bill other than the river and harbor bill to the several committees of this House, and yet to give to the Committee on Appropriations that general review which will give to the Committee of the Whole when it comes to act on these bills an intelligent, comprehensive, and well-matured report, not on the subject-matter originally referred to each committee, not on the distribution of an aggregate appropriation, but on the general expenditures of the Government—the comparison of all the bills and their relative importance as parts of those general expenditures of the Government.

I have formulated in this substitute what I conceive to be the safest and best possible distribution of the responsibilities and powers of this House; I deny with all the force I have the assertion made upon this floor by the distinguished Speaker of the House that the Appropriations Committee does not legislate on these important questions. I point him to the sundry civil bill of last year in which there were $2,000,000 appropriated for public buildings in this country which had not been previously authorized by law, and by right came under the jurisdiction of our committee. Every dollar of it was in violation of the limitation fixed by law. I ask that my committee shall have jurisdiction originally of a public building and shall limit the appropriations therefor. Why shall it not have jurisdiction of the estimates which extend that limitation hundreds of thousands of dollars? I say that this is the only complete system by and through which we give to each of the committees of this House independent and complete jurisdiction of its own matters, subject, however, to mature comparison and report from an impartial committee specially instructed for that purpose.

Mr. RANDALL, (the Speaker.) This substitute proposes to do in the aggregate what the Committee of the Whole in many particulars has already voted down. It goes further than has yet been suggested in the division of the duty which now belongs to the Appropriations Committee. It takes from the Committee on Appropriations the consular and diplomatic bill, which the Committee on Foreign Affairs has never yet asked for. It takes from the Committee on Appropriations the bill appropriating for the Military Academy at West Point, which has never yet been asked for by the Military Committee, so far as I know.

It takes from the Committee on Appropriations the Army appropriation bill, a proposition which has already been voted down in the Committee of the Whole. It gives to the Committee on Naval Affairs the naval appropriation bill, which that committee has never yet asked for. It takes from the Committee on Appropriations the Post-Office appropriation bill—a proposition which has already been voted down in the Committee of the Whole. It takes from the Committee on Appropriations the Indian appropriation bill—a change wnich has not yet been asked for by the Indian Committee. It takes from the Committee on Appropriations all control over the appropriations for public buildings—a proposition which I regret has already been agreed to in Committee of the Whole. It omits, however, what the Committee of the Whole has agreed to as to the agricultural appropriations. And it takes from the Committee on Appropriations the appropriations for the District of Columbia, which has never been asked for by the Committee on the District of Columbia. And with all this is coupled the provision in the third clause, as follows:

The several appropriation bills, when reported to the House by the committees in which they originate, shall be referred to the Committee on Appropriations to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make; and the committee in which the bill originated shall thereupon have charge of it and upon its passage: *Provided*, That each committee in presenting and debating an appropriation bill shall have equal time and equal privileges upon the floor with the Committee on Appropriations.

Thus the substitute takes the eight bills I mention from the Committee on Appropriations and gives their original preparation to the respective committees I have named, to go to the Committee on Appropriations for amendment and review.

Under the provisions of the third clause of this substitute, when the Committee on Appropriations report back to the House such appropriation bills, with such amendments as said committee deem wise, the control is taken from the Appropriations Committee so reporting them and the bills placed in care of the committees respectively which originated said several bills.

Mr. FRYE. Will the gentleman allow me to interrupt him for one moment; I want to add one other thing which that third clause takes. It takes the floor of the House for at least three months of the session and divides it equally between the Committee on Appropriations and each of the other committees reporting appropriation bills, and leaves all the rest of us, not on those committees, sitting here in our seats as monuments of spared mercy.

Mr. RANDALL, (the Speaker.) In my judgment this is the most objectionable proposition which has yet been introduced, and I believe further that if adopted it must lead not in the direction of retrenchment, but in the direction of increased expenditure. I trust the Committee of the Whole will hesitate before it will undertake to do in this wholesale manner proposed what it has heretofore refused to do when presented in a less objectionable way and in detail.

Mr. HOOKER. I move to amend the proposed substitute by striking out the words "for reference to the Committee on Appropriations" wherever the same occur. I would inquire if any further debate is in order?

The CHAIRMAN. The debate on this substitute and all amendments thereto was limited by order of the House to ten minutes, which time has expired.

The question was taken upon the amendment of Mr. HOOKER, and it was not agreed to; upon a division—ayes 23, noes not counted.

The question recurred on the substitute proposed by Mr. SHALLENBERGER for Rule XI as amended.

Mr. FRYE. That is a very important amendment, and we might as well have the vote taken by tellers at once.

Tellers were ordered, there being 47 in the affirmative, (more than one-fifth of a quorum;) and Mr. SHALLENBERGER and Mr. FRYE were appointed.

The committee divided; and the tellers reported that there were—ayes 61, noes 122.

So the substitute was not agreed to.

The Clerk read as follows:

RULE XII.

DELEGATES.

The Speaker shall appoint from among the Delegates one additional member on each of the following committees, namely: Coinage, Weights, and Measures; Agriculture; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Territories, and Mines and Mining; and they shall possess in their respective committees the same powers and privileges as in the House, and may make any motion except to reconsider.

RULE XIII.

CALENDARS.

1. There shall be three calendars of business reported from committees, namely:

First. A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property;

Second. A House calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property; and

Third. A calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

Mr. DUNNELL. In order that I may ask a question I will move to strike out the third subdivision of clause 1 of Rule XIII.

Mr. BLACKBURN. In order that these matters may come in their regular order, I ask the gentleman from Minnesota [Mr. DUNNELL] to allow me to submit from the Committee on Rules an amendment which should come in before the one which I understand he proposes to offer. It is to clause 2 of Rule XIII, after the word "decided," in line 5, to insert the words "according to its character."

The CHAIRMAN. Clause 2 of Rule XIII has not yet been read.

Mr. BLACKBURN. I supposed that the clause had been read.

Mr. DUNNELL. I have proposed the amendment which I have indicated merely to enable me to ask the gentleman from Kentucky [Mr. BLACKBURN] if there be anything in the new rules relative to the call of committees for private bills. Committees are now called for private bills on Friday. Is that provision retained in the new rules?

Mr. BLACKBURN. I will state to the gentleman that if he will turn to Rule XXVI he will find this:

Friday in each week shall be set apart for the consideration of private business, unless otherwise determined by a majority of the House.

Mr. DUNNELL. But Rule XXIV says "on all days other than Mondays, as soon as the Journal is read and approved, there shall be a morning hour for reports from committees." I was led to infer from that that the Friday rule had been abolished.

Mr. BLACKBURN. Not at all. Upon the contrary, the very matter which the gentleman now refers to was considered by the Committee on Rules, and it was determined that both of these rules taken together could not be considered other than as continuing the present practice of the House which devotes Friday of each week exclusively to the consideration of private business, unless a majority of the House shall otherwise determine.

Mr. DUNNELL. Then am I not correct in this: that the committees are not to be called on Fridays for reports, but that a private bill may be reported any day, Tuesday, Wednesday, or Thursday, when the committee having charge of the subject shall be called for reports?

Mr. BLACKBURN. Certainly; the rule provides that there shall be a morning hour for reports from committees.

Mr. DUNNELL. That is what I desire to know; whether we get rid of the call of committees for private bills on Friday. I understand that we do.

Mr. RANDALL, (the Speaker.) You do not; the rule is not altered at all in that respect. It gives Fridays for the consideration of private business. There will be a morning hour on Friday for reports from committees, and those reports must be of a private nature. On all the other days except Monday there will be a morning hour for committees to make reports of a public character.

Mr. DUNNELL. I fail to see any necessity, then, for a distinction. If on every day of the week except Monday the committees are to be called for reports, and those reports are to go immediately to one of these three calendars without debate, I cannot understand why on Friday any more than on any other day committees should be called exclusively for private bills to go to the Private Calendar. Why not let all bills, whether public or private, come from committees as they are called upon all days of the week and then reserve Friday for the consideration of private business?

Mr. RANDALL, (the Speaker.) The distinction proceeds upon this theory simply: that public business should be promoted in preference to private business.

Mr. DUNNELL. I do not think that under the rule we do that. We call the committees for reports. If I have a private bill from my committee, why may I not report it on Tuesday as well as on Friday? It will take no more time to report it on Tuesday, because it immediately goes to the Calendar.

Mr. RANDALL, (the Speaker.) That might not be objectionable if every committee was first called for private bills. If on any day the hour should not be consumed in reporting and sending instantly to the Calendar bills of a public character, then the committees might be called for private bills, though it should not be Friday. But four days should be given to public measures in preference to private measures, as has been done heretofore. That arrangement the Committee on Rules did not desire to interfere with in the least.

Mr. DUNNELL. Now, Mr. Chairman, perhaps I need not occupy the time of the committee longer; but if we were to adopt Rule XXIV, providing that all reports on being presented shall go immediately to the Calendar, I can see no reason why we should set apart Friday for receiving reports of a private nature. If committees are to be called for reports on every day of the week except Monday, according to Rule XXIV, then I cannot see what ruling could be made which would deny to a committee the right to report private bills whenever the committee may be called. I find nothing in this revision that says I may not as a member of a committee report a private bill on Tuesday, Wednesday, or Thursday.

Mr. BLACKBURN. There is nothing there that will prevent the gentlemen from doing so.

Mr. DUNNELL. But now if I report a private bill on Wednesday, for instance, it is ruled out.

Mr. BLACKBURN. I do not so understand.

Mr. DUNNELL. Oh, yes.

Mr. FRYE. It is ruled out if the point is made.

Mr. DUNNELL. I understand that a private bill reported on any other day than Friday is at present ruled out if the point is made.

Mr. BLACKBURN. The gentleman from Minnesota, I am sure, does not want to be mistaken.

Mr. DUNNELL. No, sir.

Mr. BLACKBURN. But the gentleman is mistaken in this: under the present rules and practice of the House there is nothing to prevent any gentleman from reporting a private bill on Tuesday, Wednesday, or Thursday.

Mr. DUNNELL. Let me ask the gentleman whether the ruling of the Chair has not been invariably in the direction of excluding private reports on those days.

Mr. BLACKBURN. No, sir. The Speaker will answer for himself; but I take it that the ruling of the Chair has never gone farther in that direction than to give preference to public bills as against private bills; and this, I take it, will be the object of the House.

Mr RANDALL, (the Speaker.) And on a Friday to give preference to private bills as against public bills.

Mr. FRYE. Let me call the attention of the gentleman from Minnesota to a single point. Hitherto under our rules every bill reported during the morning hour could be considered at once upon the report being made, unless it contained an appropriation of money. Now, it has been held, and properly held, that on days devoted to public business a report of a private nature could not be received and considered. But under these revised rules there is nothing to prevent a member from reporting a private bill on a public-bill day, there being then no consideration of it other than to send it at once to a calendar.

Mr. DUNNELL. There is a difference of opinion, then, among members of the Committee on Rules upon this point. The gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Kentucky [Mr. BLACKBURN] disagree, as I understand, with the gentleman from Maine, [Mr. FRYE.]

Mr. RANDALL, (the Speaker.) Under the existing rules a public bill cannot be reported on a Friday without the consent of the House. But on other days, during the morning hour, private bills as well as public bills are constantly reported from committees.

Mr. DUNNELL. If we adopt the threefold calendar as proposed in this revision and along with that adopt Rule XXIV, I insist that there should be no distinction made as to the character of bills to be reported by committees on different days of the week; for, as I understand, they are not to be considered at once, but are simply to be received and sent to the Calendar without debate.

Mr. BUCKNER. Mr. Chairman, I rise to a question of order. What is the question before the committee?

The CHAIRMAN. It is the motion of the gentleman from Minnesota [Mr. DUNNELL] to strike out the third subdivision of clause 1, Rule XIII.

Mr. DUNNELL. I withdraw that amendment.

Mr. CALKINS. I move at the end of the third clause to add the following.

The Clerk read as follows:

4. A calendar for pension cases and claims reported from the Committee on Pensions.

Mr. CALKINS. My purpose in offering this amendment is to disconnect this class of cases and claims from all other cases and claims reported from other committees, that they may be placed together upon the same calendar where we may see the exact position of each. And it is for another purpose: it is to take them out of the way of the public Calender, which is often choked up by other business when pension cases could be reached and passed in a moment without loss of time to the House. In other words, it is to make a calendar of pension cases alone, so these cases may be considered unobstructed and speedily by the House. And inasmuch as the whole country has pledged these sufferers its support under all circumstances nothing can conduce to the consideration of these claims so much as a calendar upon which they shall stand alone. I ask in justice to this class of claimants they shall be put upon a calendar by themselves.

The committee divided; and there were—ayes 37, noes 85.

Mr. CALKINS. I do not like to take up the time of the House, but I want tellers on this question.

The CHAIRMAN. No quorum having voted the Chair will order tellers; and he appoints Mr. CALKINS and Mr. BLACKBURN.

The committee again divided; and the tellers reported—ayes 32, noes 86.

So the amendment was rejected.

Mr. MYERS. I move the committee rise.

The committee divided; and there were—ayes 59, noes 73.

So the committee refused to rise.

Mr. BAKER. I move to add the following:

4. A calendar for pension claims to which shall be referred all bills relating to pensions, which shall have priority in consideration over all other bills of a private nature.

I desire to say a word on that amendment, and I trust what I shall have to say will be conclusive. It seems to me as though one of the most becoming things which can be done in this House by the representatives of the people would be to give priority in consideration to pension claims over all other private claims. There is no party in this country which is not pledged to the soldier, no party that has not affirmed that the claim which was due to the soldier who was wounded and bled in the Army and the widows and orphans of those killed—I say there is no party which has not proclaimed that class of claims should be preferred to all others which could be presented to the Government.

Now and here this House has an opportunity, so far as members of both parties are concerned, to give slight evidence by the action they take on this proposition of their belief and sincerity in the annual proclamations made in their party platform.

Mr. FRYE. I simply desire to call the attention of the House to this. If any amendment of this kind is to be passed, it would be proper when we reach page 40, third paragraph, clause 6, which is as follows:

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

It is not proper here.

Mr. BAKER. Will the gentleman let me ask him a question? [Cries of "Vote!"]

Mr. BLACKBURN. I make the point of order the debate is exhausted.

The committee divided; and there were—ayes 43, noes 99.

So the amendment was disagreed to.

The Clerk read as follows:

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, namely: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided without debate, in the following order, namely: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

Mr. BLACKBURN. I am instructed by the Committee on Rules to move the following amendment: After the word "decided" in line 5, clause 2, Rule XIII, insert "according to its character."

The amendment was agreed to.

The Clerk read as follows:

RULE XIV.

OF DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

2. When two or more members rise at once, the Speaker shall name the member who is first to speak, and no member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon, and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk, and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

6. No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms is charged with the strict enforcement of this rule.

Mr. HAWLEY. I call the attention of the gentleman from Kentucky to the last line, "and the Sergeant-at-Arms is charged with the strict enforcement of this rule." He means this clause. By this new subdivision into rules and clauses, the word "rule" should be changed to "clause."

Mr. BLACKBURN. Yes, it is clause 7 which was intended to be referred to, and I will move to strike out the word "rule" and in lieu thereof to insert the word "clause."

The amendment was agreed to.

The Clerk read as follows:

RULE XV.

ON CALLS OF THE ROLL AND HOUSE.

1. Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and there-

after the Speaker shall not entertain a request to record a vote or announce a pair.

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

RULE XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

1. Every motion made to the House shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.

Mr. BLACKBURN. By the direction of the Committee on Rules I offer the following amendment to the first clause:

After the word "House," insert the words "and entertained by the Speaker."

The amendment was agreed to.

The Clerk read as follows:

2. When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a member.

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lie on the table, for the previous question, (which motions shall be decided without debate,) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

Mr. HAWLEY. I move to strike out in line 3 of clause 4 the word "lie," and in lieu thereof to insert "lay," so that it will read "to lay on the table." It is a grammatical error which has been in the rules for generations and has been allowed to remain in the revision. When a thing is "laid" on the table it lies there. The verbs that precede this one in the sentence are active verbs—"to adjourn," "to take a recess"—and they should be followed by the active verb "to lay on the table." Here we have it "to lie on the table" following "to adjourn," "to take," &c. It should be "lay" instead of "lie."

Mr. BLACKBURN. I do not care at all about this, but I wish to say to the gentleman I do not concur with him in his conclusion. There is not a rule which incorporates that word which has been in existence for a hundred years, which is not equally amenable to the same criticism.

Mr. HAWLEY. I have looked at the matter carefully, and you cannot find a book in the Library of Congress which will justify the gentleman in the use of the word "lie" as it is reported.

The amendment was agreed to.

The Clerk read as follows:

5. A motion to fix the day to which the House shall adjourn, a motion to adjourn, and to take a recess shall always be in order, and the hour at which the House adjourns shall be entered on the Journal.

6. On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

7. A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

Mr. FRYE. I am instructed by the committee to offer the following amendment, to be known as clause 9 of this rule:

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

This is made necessary, Mr. Chairman, by the rule here which provides first for the reading of the Journal, then for the morning hour, then the unfinished business is to be proceeded with, then the motion to go to business on the Speaker's table, and finally the motion to go into Committee of the Whole. Now, it may become necessary on certain occasions, at the expiration of the morning hour, that a motion should be made to proceed at once with the consideration of an appropriation bill, or a bill raising revenue, and that is provided for in the amendment which, as I have stated before, I am instructed by the committee to offer.

The amendment was agreed to.

The Clerk read as follows:

RULE XVII.

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on the final passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or special committee; and a motion to lie upon the table shall be in order on the second and third reading of a bill.

Mr. BLACKBURN. I am directed by the Committee on Rules to offer an amendment to that clause of Rule XVII. It is to insert after the word "renewal," in the ninth line, the words "and second."

The amendment was agreed to.

Mr. BLACKBURN. I am also directed to offer the following amendment: in line 13 of this clause, to strike out the word "special" and insert in lieu thereof the word "select."

The amendment was agreed to.

Mr. BLACKBURN. I wish also to make a verbal amendment by striking out the two words in line 11 "the final," and to insert instead thereof the word "its;" so it will read "on its passage" instead of "final passage."

The amendment was agreed to.

Mr. HASKELL. I desire to ask the gentleman from Kentucky [Mr. BLACKBURN] a question; but if it lead to debate at all I will give up the floor for a motion that the committee rise. Under this rule as reported by the Committee on Rules the previous question upon the engrossment and third reading of a bill only has its effect and remains in force down to the third reading of a bill.

Mr. BLACKBURN. That has always been so.

Mr. HASKELL. I know that has always been so. Now, a man comes upon the floor, reports his bill, moves the previous question, and brings the House to a vote. I desire to ask the gentleman from Kentucky, and through him the Committee on Rules, whether in their opinion they would not deem it wise to have the previous question once moved upon the engrossment and third reading go clear through to the passage, so that this loop-hole for entrapping the unwary shall not be left?

Mr. BLACKBURN. I do not; for the reason that after you have moved the previous question on a bill and any amendments pending, and that previous question shall have been in operation, and carried the bill to its engrossment and third reading, it may, and very often does, occur that the House finds there is some amendment, some discussion, some consideration which even the voting upon the bill under the operation of the previous question has demonstrated to be necessary, but there is no way of getting that amendment or that discussion unless you go back and reconsider the several stages through which the bill has gone, which would be very cumbersome. When the previous question on engrossment and third reading is exhausted, the Chair always recognizes the gentleman in charge of the measure to renew the demand for the previous question on the passage, and if then the House has not discovered any hasty legislation or any mistake that has been made, the previous question is again ordered, and carries the bill through to its passage.

Mr. HASKELL. I desire to ask another question.

Mr. BLACKBURN. If it be in the nature of debate I stand committed to move that the committee rise.

Mr. HASKELL. Then I desire to retain the floor to offer an amendment.

Mr. BLACKBURN. You shall have it. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

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FEBRUARY 12, 1880.

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REVISION OF THE RULES.

Mr. BLACKBURN. I now insist upon my motion to go into Committee of the Whole upon the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The pending provision of the rules was as follows:

RULE XVII.

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on the

final passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or special committee; and a motion to lie upon the table shall be in order on the second and third reading of a bill.

Mr. HAWLEY. I wish to suggest merely a verbal correction in accordance with one which we have already made in a previous rule. It is in the last sentence of clause 1 of Rule XVII, to strike out the word "lie" and insert the word "lay;" so that it will read: "a motion to lay upon the table," &c.

Mr. BLACKBURN. I do not believe the amendment is proper or defensible in grammar. But I will say again to the gentleman from Connecticut [Mr. HAWLEY] that so long as he confines himself to such small amendments I have no objection; let him go on.

Mr. HAWLEY. I beg leave to say that I have allowed to pass unnoticed many expressions in the gentleman's report that are objectionable grammatically. I do not make this amendment in a captious spirit at all. If the gentleman had been an editor and a proof-reader as long as I have he would have got over any tenderness of feeling in regard to such correction. Twenty years ago I had a hide as thick as that of a rhinoceros on that subject. I could write as carefully as I pleased and put what I wrote into the hands of the best compositors, and the next day I would find errors in it.

I will call the gentleman's attention to this illustration: some years ago the University of Glasgow undertook to print an edition of some Greek classic, and day after day a page of the work was publicly posted on the university grounds, with a reward offered for the discovery of an error therein. After the edition had been published, and many pounds paid by way of rewards for errors, it was found that there was a gross error on the title-page.

I make these corrections in no spirit of captiousness, I repeat, but only in order that we may have as little bad English in the rules as possible—that we may avoid what has occurred heretofore, the reference to this identical error as one of the ridiculous vulgarisms in language that have occasionally crept into high places.

Mr. BLACKBURN. I am trying not to avoid the gentlemen's amendments, for they are too small to be objectionable, but to avoid his speeches. I do not think he is correct as a matter of grammar. Such authorities as Cushing and others on parliamentary law for a hundred years past are at a variance with him. But I am not disposed to cavil about or to stickle upon such things. I am not a proof-reader, and the gentleman may be correct in this little matter.

The amendment of Mr. HAWLEY was then agreed to.

The Clerk resumed the reading, and read as follows:

2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE XVIII.

RECONSIDERATION.

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

2. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

RULE XIX.

OF AMENDMENTS.

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

RULE XXI.

ON BILLS.

1. Bills and joint resolutions introduced for reference and those reported by committees without such introduction shall be read a first time by their titles and printed, the second time in full, the third time by their titles, unless the reading in full shall be demanded by a member.

Mr. BLACKBURN. I offer the following as a substitute for the first clause of Rule XXI:

Every bill and joint resolution shall receive three readings before its passage, which shall be as follows: The first reading by title on its introduction for reference, or being an original bill on its report from a committee for commitment, or by unanimous consent for present action; the second reading in full; and the third reading by its title, unless the reading in full shall be demanded by a member.

Mr. FRYE. Does the gentleman offer this amendment by authority of the Committee on Rules?

Mr. BLACKBURN. The committee agreed to this, except possibly as to one point, upon which there was probably some dissent on the part of one member of the committee; that was in reference to the second reading of a bill being in full. I do not understand that there is any objection upon the part of any member of the committee to this amendment; and, if not, then it is offered by the authority and direction of the committee.

Mr. CANNON, of Illinois. I suppose the s cond reading in full under the proposed amendment can be dispensed with by unanimous consent.

Mr. BLACKBURN. Yes, sir.

Mr. CANNON, of Illinois. The amendment speaks of dispensing with the third reading by unanimous consent, but it does not speak of dispensing with the second reading by unanimous consent. This is the reason I made the inquiry.

Mr. BLACKBURN. I will say to the gentleman from Illinois that it is not the purpose of this rule to restrict the right of any member to demand the reading of any bill in full upon its passage after it shall have been engrossed. This simply waives the necessity of a demand for the full reading of the bill prior to its engrossment; and after its engrossment it will be in the power of any member to call for the reading of the bill in full.

The amendment was agreed to.

The Clerk read as follows:

2. Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a member, and the question shall then be put upon its passage.

Mr. WHITE. I move to amend by inserting after the clause juts read the following, to come in as clause 3:

The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the different departments of the Government and interest on the public debt. All other appropriations shall be made by bills containing only items of appropriation relating to the subject-matter of the bill.

Mr. Chairman, this is substantially the amendment which I offered during the consideration of the eleventh rule, when we had reached the clause defining the duties of the Appropriations Committee. At the suggestion of my colleague, the Speaker of the House, I withdrew it then to offer it at this time. This is the proper place, I apprehend, to offer it.

Mr. BLACKBURN. Does the gentleman from Pennsylvania offer this as a substitute for the third clause?

Mr. WHITE. No, sir; I offer this as an independent clause to come in ahead of the present third clause. If this amendment should prevail, it will be prudent to amend the present third clause by striking from it that portion which provides—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, Mr. Chairman, this proposition clearly and distinctly raises before the House the issue, is it proper to put general legislation on appropriation bills? If this amendment prevails it will be hereafter impossible, certainly irregular, for the Committee on Appropriations to report in an appropriation bill any proposition for a change of existing laws. It will also be out of order for any amendment changing existing law to be received upon the consideration of an appropriation bill. In a word, it clearly and distinctly confines the Appropriations Committee and the appropriation bills of this House to the appropriation of public money to carry on the different departments of the Government. If this is made the rule it will be impossible to have a recurrence of such debates as we had during the extra session of the present Congress. I think the amendment meets the necessities of the hour. Its wisdom should commend it to the approval of all fair-minded men in this body.

There are no politics whatever in the amendment. Both parties in the past history of the Government have offended (if it is an offense) by proposing changes of existing law upon appropriation bills. All parties which have had at different times control of legislation have been alternately criticised for the practice of adding riders to appropriation bills. If this rule be now adopted it will be a new departure in a direction which I think the sentiment of the country demands. I call the attention of members from the different States to the fact that this amendment embodies, briefly and tersely expressed, provisions to be found in the recently adopted constitutions of many of the Stat s. I think it is very similar to a provision in the new constitution of Illinois. It certainly is almost *in totidem verbis* the provision regulating appropriations as contained in the new constitution of Pennsylvania. This constution met the approval of the popular will by a majority of some one hundred and fifty thousand votes. No feature of this constitution commended itself more to the people of our great State than this change of the manner of passing general appropriation bills. It is not necessary for me to argue what every gentleman is familiar with. This proposition clearly defines the issue between those who favor making appropriation bills the wager of battle for general and partisan legislation and those who oppose it. Let us see how it will end.

[Here the hammer fell.]

Mr. CONGER. Mr. Chairman, I rise to oppose this amendment. I oppose its insertion in the place where it is proposed to be inserted. When we reach the next paragraph I should be in favor of some provision of this kind. As I said on a former occasion, I desired when we should reach this subject to make some remarks in regard to the clause permitting legislation on appropriation bills. The whole history of Congress shows that no such power was ever claimed when a party had control of the three departments of the Government—the House, the Senate, and executive—never.

My friend from Pennsylvania [Mr. WHITE] has referred to the provisions of many of the State constitutions. I wish to show how utterly inconsistent, under the leadership of our Speaker, (who is present, I believe,) have been the votes of all my southern friends in the adoption and enforcement of the provision now contained in our rules. Those who regard as of binding force the example of southern gentlemen in framing the constitution of the confederacy will bear in mind that that constitution contained a clause preventing legislation on appropriation bills. Those who adopted that constitution were uninfluenced by any desire to override any party or any people, uninfluenced by any desire to have an opportunity to slip in any legislation against the will of a portion of the House or against the will of the Senate or against the will of the President. I only refer to this because of the rebuke it carries with it to gentlemen who uphold the proposition now contained in our rules. The clause in the constitution of the confederacy to which I have referred was adopted as the solemn sentiment of gentlemen who now represent the South, and whom I from time to time in my innocent manner charge with carrying out so effectually the views of southern men in old times even up to the present.

Mr. ATKINS. There is one good thing, then, in the South.

Mr. CONGER. It is in direct opposition to the vote of every man in the South as to its expediency, as to its propriety, for when reporting their own constitution they adopted a provision prohibiting legislation on appropriation bills.

Mr. ATKINS. Circumstances alter cases.

Mr. CONGER. I say circumstances alter cases. This proposition never was made until it became necessary for the Speaker of this House to ask his southern friends from the late confederacy to change their entire views which they had embodied in a constitutional provision, change their entire course of action, and sustain him in a change of the rules, a change from that which had been the rule of this House, compelling his associates from the Confederate States service to violate their judgment as embodied in their own constitution——

Mr. RANDALL, (the Speaker.) Will the gentleman allow me a moment?

Mr. CONGER. After my five minutes are up. [Laughter.] I look upon that action of the Speaker of this House when he placed himself at the head of the whole confederate army in this House and compelled them to ignore the action of their wisest and best and follow in his lead—I say I look upon that as one of the greatest triumphs that a northern man ever gained over the confederate brigadier-generals of this House. [Laughter.] No member of this side of this House, sir, ever could have begun to influence these friends of the South so suddenly, so unitedly, so earnestly as to cast reproach, disgrace, and shame upon those of their friends, if not themselves, who had incorporated into the solemn instrument of organization of the southern confederacy a clause which prevented legislation even for the reduction of expenses upon their appropriation bills.

The CHAIRMAN. The gentleman's time has expired.

Mr. CONGER. Is my time quite up? [Laughter.]

The CHAIRMAN. It is.

Mr. CONGER. I have a word or two to say about the Speaker, but he knows my estimate of his power. [Laughter.]

Mr. RANDALL, (the Speaker.) The gentleman from Michigan is generally accurate, and I wonder he is not so in reference to what he has just stated. I am not perhaps as familiar with the confederate constitution as he is; but, if I recollect aright, the constitution of the Confederate States contains no such clause as that which he alleges.

Mr. CONGER. I think it does.

Mr. RANDALL, (the Speaker.) I think not. The clause, as I recollect, in that constitution, gave to the president of the confederacy the right to veto any part of an appropriation bill.

A MEMBER. Any item.

Mr. RANDALL, (the Speaker.) Any item of an appropriation bill; but it did not restrict the confederate congress in any respect as to what legislation should be placed upon appropriation bills. So that "noble army" he speaks of from the South as having battled for economy—and I join him in every commendation of their conduct—was not inconsistent when they assumed the position upon this floor in favor of legislation upon appropriation bills in favor of retrenchment and reform. [Applause.]

Mr. CONGER. And if it should appear that was in the confederate constitution as I have stated it—I have it not here and I cannot refer to it—then the gentleman will agree he had the power to lead the whole army of southern men against their will.

Mr. RANDALL, (the Speaker.) I do not want to lead a better army than the army in the Forty-fourth Congress, first session, without regard to where they came from, which fought in defense of economy and reform. [Applause.]

Mr. CONGER. We all know that; we all know the pride with which the Speaker leads that army against the North and against the people.

Mr. RANDALL, (the Speaker.) Mr. Chairman, I have no answer to make to that remark.

Mr. GOODE. I move to strike out the last word.

The CHAIRMAN. Inasmuch as this is a very important matter, unless some gentleman insists on it the Chair will not require these formal amendments to be made, and will endeavor to recognize gentlemen alternately—first, those for, and then those against—until such time as the committee sees proper to ask that the rules shall be strictly enforced.

Mr. GOODE. Mr. Chairman, we are not here now to make a constitution. Whatever may be in the constitution of the late Confederate States, I wish to call the attention of the gentleman from Michigan who has just spoken to the fact that the Constitution of the United States, under which we now live, provides that each House may determine the rules of its own proceeding for itself. And if the House of Representatives, in the adoption of its rules, shall determine that it is judicious and proper to ingraft general legislation upon an appropriation bill, then neither the Senate nor the President nor anybody else has the right to make any complaint or objection. It is a matter, sir, within the discretion of the House of Representatives, in which is vested the sole and exclusive power to originate money bills.

Now, Mr. Chairman, while I concede as a general proposition that it may be an unscientific method of legislation, yet I maintain that occasions may arise when the public liberties may be so seriously imperiled that the House of Representatives ought not to surrender this power and ought not to consent under any circumstances not to resort to its exercise. If bad and vicious legislation is fastened upon the statute-book which we are unable to repeal on account of the executive veto, then it is not only the right but in my judgment it is the duty of the House to stand and withhold the appropriations of money until——

Mr. ROBESON. Let me interrupt the gentleman for a mere question.

Mr. GOODE. We ought to withhold the money until we can obtain a redress of the grievances complained of.

Mr. ROBESON. I merely wish to ask the gentleman a single question in this connection.

Mr. GOODE. I have not time to yield to the gentleman.

Mr. ROBESON. I merely wish to ask the gentleman whether the House of Representatives have the right under any circumstances under the Constitution to usurp the rights of the Senate or of the Executive?

Mr. GOODE. No, sir; but under the Constitution the House may determine the rules of its own proceeding.

Mr. Chairman, there is no better teacher than experience. There is no safer criterion to judge of the future than by the past. And I ask any gentleman on this floor if we could ever have succeeded in incorporating the legislation which was incorporated in the appropriation bill during the first session of this Congress, to wit, that no money appropriated should be used for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force at the polls, if it had not been for the provisions of Rule 120? And does any man believe that we should have succeeded in forcing a repeal of those relics of war legislation—sections 801, 820, and 821 of the Revised Statutes, which practically excluded from the jury-box nearly all of the white people in eleven States of this Union—if it had not been for this same Rule 120? In my judgment, sir, that much-abused rule has not only been the means of enabling this Congress to save $30,000,000 of the people's money per annum in the expenditures of the Government, but it has been the bulwark behind which we have been able to keep the Army from the polls and to break down the barriers which excluded fair and impartial jurors from the jury-box. This is my judgment in regard to this rule, and I am not willing as a member of this House to have it repealed. It has enabled us to accomplish great and salutary measures of reform which entitle this House to the gratitude of the country; but we must not stop in the good work until we have secured the repeal of certain sections of the Revised Statutes which permit the presence of Federal marshals at the polls with power to interfere in the conduct of elections and arrest American citizens on suspicion with or without process of law.

[Here the hammer fell.]

Mr. REED. Mr. Chairman, I must say that I am surprised to hear the language of the gentleman from Virginia, for no man knows better than he that the legislation to which he has alluded would have received general approval but for the forceful fashion in which it was tried to be put on in this House.

Mr. GOODE. We tried it time and again in separate bills.

Mr. REED. But I am sorry to see in the enumeration of the various benefits received from Rule 120 he has forgotten to enumerate that great benefit yet to accrue to the country from the actions which took place under that rule in the extra session, namely, the extirpation of the democratic party, which is to occur the next time the

people of the United States have an opportunity to pass upon it. [Applause on the republican side.]

It gave the country a good opportunity to see what these gentlemen were so eager to do and what they were disposed to do, and did do, when they had the power; and the result of the airing of the democratic party before the people of the United States is always of great interest and benefit to the country. Not only that, it is not only national but local. Wherever we can get a fair opportunity for a review of that collection of gentlemen, a good result has always followed for the country.

It seems to me bad this matter should be brought up and discussed upon such a basis. We are endeavoring to fix some rule for the government of the House, and we are endeavoring to do it upon principles which will hold not only for the present, but for all future time. I think if we have a mind to come to this question in a dispassionate and decent fashion we will be enabled to fix upon some rule, and that we shall be able to do it by a suitable amendment to this Rule 120. And when the time comes I purpose to offer an amendment to the third clause; of which I wish to give notice now to the House. It is to strike out from the third clause all after the word "order," in the sixth line, and insert the words "but it shall be in order to strike out any sum of money appropriated in a bill and insert a less sum."

That will give every opportunity for retrenchment and reform and reduction of expenditure, and at the same time it will keep out these firebrands that prevent calm and dispassionate legislation. My objection to the proposition presented by the gentleman from Pennsylvania is, among other things, that it presents the idea that an appropriation is necessary in the general appropriations for the interest of the public debt; I believe that that is already provided for under our general appropriation laws.

Mr. SPEER. With the concurrence of the chairman of the Committee on Rules, I move that, as this is a very important subject, the committee rise for the purpose of extending the time for debate upon it.

Several MEMBERS. Oh, no.

Mr. BLACKBURN. I have no objection to that motion being made. I desire to say so far as the Committee on Rules is concerned it does not propose to put any limit on the debate on this rule to-day.

The CHAIRMAN. By a strict enforcement of the rule only five minutes would be allowed in favor of an amendment and five minutes against, but the debate can be extended by means of *pro forma* amendments.

Mr. GARFIELD. Allow me to suggest that for a time at least it seems to me it will facilitate the discussion of this matter if we could have the ten-minute rule instead of the five-minute rule prevail. That would allow a large number of gentlemen to speak, while five minutes is hardly enough in view of the importance of this question and the state of feeling upon it. I believe that if we should agree to adopt the ten-minute rule for to-day it would greatly facilitate the debate.

Mr. RANDALL, (the Speaker.) The House would have to do that, and in the House it could only be done by unanimous consent, for it vacates a rule.

Mr. GARFIELD. Could not unanimous consent be given without the committee rising?

Mr. BLACKBURN. It would require unanimous consent to be given in the House.

Mr. WARNER. In the present state of feeling this debate is likely to take about five hundred minutes, even if we proceed under the five-minute rule.

Mr. HAYES. Does the proposition of the gentleman from Ohio [Mr. GARFIELD] require unanimous consent?

The CHAIRMAN. As the proposition is to change the time allowed for debate, it would be necessary for the committee to rise, and in the House such an order could only be made by unanimous consent.

Mr. WHITE. It strikes me, Mr. Chairman, that the same thing could be accomplished by gentlemen rising and yielding their time to each other.

Mr. WARNER. From the indications, the debate will take three months under the five-minute rule.

Mr. SPEER. I desire now to offer the amendment of which I gave notice some days ago, as follows:

In Rule XXI, clause 3, strike out all after the word "except," and insert——

The CHAIRMAN. The Chair will state to the gentleman from Georgia that the third clause of Rule XXI is not now under consideration. It has not been reached.

Mr. SPEER. I withdraw the amendment, then, until that clause is reached.

Mr. SPRINGER. When this question was before the committee for consideration a few days ago the gentleman from Ohio [Mr. GARFIELD] stated that Rule 120, permitting legislation on appropriation bills, was the rock upon which the democratic party had split. I do not know to what he referred, because the democratic party has not split upon anything. But is the placing of legislation upon appropriation bills unconstitutional or a departure from legislative precedents? Not at all. I want to call the attention of the House and of the country and of the honorable gentleman from Ohio to the fact that during the time when he occupied the responsible position of chairman of the Committee on Appropriations of this House in the Forty-second and Forty-third Congresses there were passed by Congress appropriation bills which contained, as I have computed them here, eighty-eight sections of new legislation upon such bills. You can scarcely find one appropriation bill reported to this House during the time the gentleman from Ohio was chairman of the Committee on Appropriations that did not have one or more sections upon it of general legislation. A gentleman near me suggests I should put the sections in my printed remarks. I would have to reproduce a large part of volumes 17 and 18 of the Statutes at Large of the United States in order to show the new legislation on appropriation bills reported and enacted while the honorable gentleman from Ohio was chairman of the Committee on Appropriations. It was during this time the practice to legislate upon the appropriation bills and many of the most important provisions of law enacted during the Congresses when the gentleman from Ohio occupied that position were placed upon those bills.

I call the attention of the committee to the following table of appropriation bills which passed during the Forty-second and Forty-third Congresses and to the sections thereof which contained new legislation:

New legislation on appropriation bills in the Forty-second and Forty-third Congresses, during which time Mr. Garfield was chairman of the Committee on Appropriations.

Department.	Date of acts.	Laws.		Number of sections.	Number of items of such legislation.
		Volume.	Page.		
Army	June 6, 1872	17	261	1, 2	2
Army	Mar. 3, 1873	17	545	1	1
Sundry civil	Mar. 3, 1873	17	530	1	1
Consular and diplomatic	May 22, 1872	17	143	2, 3	2
Consular and diplomatic	Feb. 22, 1873	17	474	2, 4, 5, 7, 8	5
Indian	May 29, 1872	17	189, 190	2, 4, 5, 6, 7	5
Indian	Feb. 14, 1873	17	462	2–13	12
Legislative, executive, and judicial	May 8, 1872	17	82, 83, 84, 85	2, 4	2
Legislative, executive, and judicial	Mar. 3, 1873	17	508, 509	2	1
Navy	Mar. 23, 1872	17	154	1, 23	3
Navy	Mar. 3, 1873	17	556	1, 6	6
Post-Office	June 1, 1872	17	202	1	1
Post-Office	Mar. 3, 1873	17	559	2	1
Army	June 16, 1874	18	75	2, 3	2
Army	Mar. 3, 1875	18	455	4, 6	2
Sundry civil	June 23, 1874	18	230	4, 5, 6, 7, 8, 9, 11, 12	8
Sundry civil	Mar. 3, 1875	18	399, 400, 401	3, 4, 6, 7, 9, 10, 12	7
Indian	June 22, 1874	18	176, 177, 178	3, 4, 5, 6, 7, 8, 9, 10, 12	9
Indian	Mar. 3, 1875	18	449, 450, 451	2, 3, 4, 5	4
Legislative, executive, and judicial	June 20, 1874	18	109, 110, 111	4, 5, 6, 7, 9, 11, 12, 13	8
Post-Office	June 23, 1874	18	232, 233, 234	2, 4, 5, 6, 7	5
Post-Office	Mar. 3, 1875	18	342, 343		
Total					88

Mr. BLOUNT. I would like to ask the gentleman from Illinois if there was ever a time when such legislation was not put upon appropriation bills?

Mr. SPRINGER. There never was a time when such legislation was not put upon appropriation bills. And, so far as I am concerned, I assert here that it is a constitutional and righteous mode of legislation, and necessary in many cases; and that the propriety of such legislation is solely within the discretion of the House, and nobody outside of it, or inside of it, has the right to question our authority to legislate in any way we please.

If we give up this rule 120 we give up one of the prerogatives of this House, secured to us by the Constitution, a prerogative which Mr. Madison believed was the greatest and most important to the representatives of the people which was embodied in our Constitution. I refer gentlemen to No. 58 of the Federalist, where Mr. Madison says:

> The House of Representatives can not only refuse, but they alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse, that pewerful instrument by which we behold, in the history of the British constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the Government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance, *and for carrying into effect every just and salutary measure.*

Mr. Madison, who has been appropriately styled the "Father of the Constitution," here informs us that the power of this House over the purse, the power of framing appropriation bills, is a complete weapon for securing "every just and salutary measure" of legislation. The amendment now under consideration would put it in the power of one member to defeat all legislation on appropriation bills, and to

prevent any reduction of expenditures below what are now authorized by law, unless by a two-thirds vote on Mondays the rule could be suspended. We have no right to yield one of the most important powers of this House to the minority. I propose to adhere to Rule 120 as it is. No change is demanded by the people. As Representatives we have no right to surrender our trusts. We must exercise the functions of Representatives in the interest of the people who sent us here. We have the right to make our own rules and to legislate in any manner we may deem best. I deny that any harm has resulted to the people from the operation of Rule 120. I will not consent to its repeal. It is a salutary rule, strictly in accordance with the Constitution of the United States.

The right to legislate upon appropriation bills is one of the surest and most important bulwarks which we have for defending the rights and the liberties of the people. It was never discovered by the gentleman from Ohio [Mr. GARFIELD] that such was vicious legislation until Rule 120 was used by the majority of this House in the Forty-fourth Congress for securing a vast reduction of expenditures.

This rule has been used in the interest of the people to the extent of a reduction of public expenditures to the amount of $84,000,000 since the majority of this House passed under the control of members of the democratic party. We cannot surrender this power; we must not give it up. We must adhere to the rule as it is, for by it we have already saved many millions of dollars to the people, and if we adhere to it we will save millions more in the same way. Let us stand by this rule. It is the rule adopted by the democratic House of Representatives of the Forty-fourth Congress. We have adhered to it since that time; it has produced no bad results; but on the contrary it has secured many wise and salutary reforms and saved millions of dollars of the people's money.

[Here the hammer fell.]

Mr. WHITE. I rise to make a proposition.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. I desire to withdraw the amendment which I have offered to the second clause of Rule XXI, inasmuch as the gentleman from Georgia [Mr. SPEER] has given notice of his intention to offer an amendment to the next clause which will accomplish the same purpose. For that reason I withdraw my amendment.

Mr. GARFIELD. Allow me to suggest to gentlemen on the other side that we pass without further debate the second clause, so that we may proceed to consider clause 3 in this rule.

Mr. WHITE. I offered my amendment as a new clause, but withdraw it for the purpose of allowing the gentleman from Georgia [Mr. SPEER] to offer his amendment to the next clause.

The amendment of Mr. WHITE was accordingly withdrawn.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. SPEER. I move to amend the clause just read by striking out of the latter portion of it the words "except such as, being germane to the subject-matter of the bill, shall retrench expenditures" and to insert in lieu thereof that which I send to the Clerk's desk.

The Clerk read as follows:

But it shall be in order to strike out any sum of money in an appropriation bill and to insert a less sum.

The latter portion of clause 3 as proposed to be amended was as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, but it shall be in order to strike out any sum of money in an appropriation bill and insert a less sum.

Mr. SPEER. I think that amendment will accomplish the object which is sought to be attained by all of those who desire to see general legislation divorced from the general appropriation bills; and it will also accomplish fully the object of retrenching expenditures when necessary.

Mr. Chairman, in presenting the reasons why general legislation should be divorced from the unnatural union with the appropriation bills, I protest that I am not, in the slightest degree, influenced by partisan feeling. I take no interest in the inquiry who began to affix riders to the appropriation bills. I shall not remind the republican party of the vital legislation they have accomplished by these methods, nor is it necessary for me to occupy the attention of the House in defending the motives of my democratic brethren, their patriotism, or the purity of their purposes in the uses they have made of the same resources.

Sir, if it is possible, at any time, to rise above the sordid considerations of party, it should be in the discussion of rules for the permanent guidance and control of the business of legislation by this House. Mr. Chairman, all men of all parties, it seems to me, must agree that the practice of attaching positive laws on other subjects or on any subject to the money bills of this House is a practice which finds no legitimate parentage in the Constitution of this Government, and is fraught with mischief which at any time and when least expected may become irreparable. To abolish the practice would be a stride in the advancement of political science which would excite the interest and the admiration of every intelligent patriot in this country.

In the discussion of questions like this we are to some extent remitted to the discussion of elementary principles. The three coordinate departments of our Government are supported by the appropriation bills of the House of Representatives. Have gentlemen considered what the failure of these bills means? I do not mean a temporary failure; I do not mean a failure which can be cured by an extra session of Congress, or which can be tided over by the credit of the Government; but I mean a refusal on the part of the people's Representatives to grant the money necessary to sustain the Government. Sir, it means anarchy; it means the paralysis of every department of this Government; it means the repudiation of the national debt; it means the destruction of the judiciary; it means the abdication of the Executive; it means the dispersal of Congress. Whenever the Representatives of the people permanently and continuously refuse to vote the people's money to sustain the people's Government red-handed revolution or the iron grasp of despotism will seize upon and ravage the unprotected heritage of freemen.

Mr. ATKINS. Has any party ever done that?

Mr. SPEER. I decline to yield to the gentleman. I am not discussing this with regard to party now. It may be very easily demonstrated that the practice of riders on the appropriation bills may at any time eventuate in the refusal of the supplies. If there is one national characteristic of the American people which is strong and intense, it is a strong and intense party spirit. If this characteristic finds unbounded expression and demonstration anywhere, I say with profound deference to this imposing presence, it is in the House of Representatives. Now, sir, let us do what it is not very difficult to do. Let us suppose that the two great parties of this House are divided on what they conceive to be a vital political question. Let us suppose that the measure in which this vital political difference presents itself is in a rider on the Post-Office appropriation bill. Let us suppose that the party which is in a majority in this House is in a minority in the Senate; or that the occupant of the presidential chair belongs to the minority school, the Post-Office bill for the support of the post-routes and post-offices and mail carriers of the great and complicated and beneficent postal system of the United States passes the House with the rider attached.

[Here the hammer fell.]

The CHAIRMAN. The five minutes' time to which the gentleman is entitled has expired.

Mr. HAYES. I will take the floor and yield my time to the gentleman from Georgia, [Mr. SPEER.]

The CHAIRMAN. That will be done if there be no objection.

Mr. COFFROTH. I object. [Cries of "Oh, no!" "Oh, no!" from different parts of the House.]

The CHAIRMAN. Does the gentleman withdraw his objection?

Mr. COFFROTH. I do not.

Mr. HAYES. I hope the gentleman will withdraw his objection. It has been the custom here in discussing questions to allow that to be done.

Mr. COFFROTH. This discussion must stop at some time, and I propose to stand by the rule.

Mr. GARFIELD. Let somebody else speak in opposition to the amendment, and then the gentleman from Georgia can move an amendment to the amendment and speak on that.

Mr. MCMAHON. I do not see how that arrangement can be made under the rules.

The CHAIRMAN. The Chair, of course, in recognizing gentlemen will endeavor to conform to the rules.

Mr. BLOUNT. I appeal to the gentleman from Pennsylvania [Mr. COFFROTH] to withdraw his objection to my colleague's proceeding. There is nothing unusual it it; it has occurred in every session of every Congress.

Mr. SPEER. If the gentleman cannot bear to hear my argument, he can make his objection.

The CHAIRMAN. The Chair understands that the objection is not withdrawn.

Mr. SPEER subsequently obtained the floor, and concluded as follows:

When interrupted I was giving a hypothetical case of the effect of a rider of political legislation on the Post-Office appropriation bill. The Senate refuses to concur. On a committee of conference, both the Senate and the House decline to recede from their positions. Neither party desires to strike down the postal system. The political rider is the rock on which they split. They are conscientious, and they will not surrender their convictions. They are firm, and they will not abate a jot or tittle of their just demands. The closing hour of the session approaches. The session expires. Not a dollar is voted for the maintenance of that system which to-day is one of the greatest agencies of civilization on the earth, without which no modern nation can preserve its decency, and whose destruction will carry confusion and misery and distress into the home of every American citizen. Sir, it is the political rider that has done the work. Sir, is this contingency impossible? Is the picture fancifully drawn? What man among you is there who can lay his hand on his heart and, with the history of this country in his memory, say that the conjuncture which I have foreboded is either impossible or improbable?

Mr. Chairman, to place a measure of general legislation on an appropriation bill which must of necessity be passed deprives the Representative of all opportunity of criticism or of independent action with regard to that measure. How is it possible in the closing hours of a session for the Representative to make his notions of right and wrong effective, when if he votes against the general legislation he must of necessity vote against the entire appropriation? He must vote for the bill, or he may defeat the appropriation. He surrenders, may be, his judgment and his conscience, and votes for the bill with the rider attached. Or he votes against it, and is liable to have his motives misconstrued, and not improbably will incur the disapproval of others when perhaps he least deserves it. But, sir, it is not alone the independence of the Representative to which this practice is inimical, but it is aimed likewise, whether intentionally or not it matters not, at the independence of the other branch of Congress and at the independence of the Executive.

Sir, the most admirable feature of our most admirable system is the complete independence of its co-ordinate branches. It was said by Hamilton, in the Federalist, along with his honest, zealous, luminous, and masterly advocacy of the Constitution, "that no political truth is of greater value, or stamped with the authority of more enlightened patrons of liberty, than that the legislative, executive, and judicial departments ought to be separate and distinct, and that if this Constitution was justly chargeable with a mixture of these powers no further argument would be necessary to inspire a universal reprobation of the system."

Montesquieu, before the day of Hamilton, in his oracular treatise on this subject, had declared "there can be no liberty where the legislative and executive powers are united in the same person or body of magistrates, or if the power of judging be not separated from the legislative and executive powers."

Now, sir, does not the political rider destroy this independence? Is it not intended as a threat to the Senate and to the Executive? Does it not impliedly declare that the money shall not be forthcoming to sustain the Government unless the Senate and the Executive will accede to the demands of the House of Representatives? We have, within the past decade, been regaled with a great deal of eloquence in the discussion of measures of this character on the subject of parliamentary heroism. What does parliamentary heroism in this connection mean? It means, sir, to refuse to vote the money unless the Senate or the Executive shall conclude to coincide with the House of Representatives.

Now, sir, is not this an illegitimate exercise of our prerogative? Has not the Senate the same constitutional right to pronounce upon the merits of a measure that we have? Has not the President, with the power of the veto, functions just as important toward the enactment of law as Congress itself? And yet, though it is our imperative duty to sustain all the departments, when we send the Senate and the President an appropriation bill, with the proviso attached, it means that we will consent to support the Government, provided you, the Senate, or you, the President, will consent to agree with our proviso. This is usurpation. This is the aggrandizement of senatorial prerogatives and the veto power in the House of Representatives. But, sir, there is another most insidious effect which this species of legislation may have upon the independence of the executive and judicial departments of the Government. I am discussing this question abstractly; I am speaking impersonally. I mean the facility it gives to Congress to withhold the salaries of the officers of these departments beyond the period of payment fixed by the Constitution. It is useless for gentlemen of an optimistic turn of mind to deny the proposition that the control over a man's salary is very likely to be a control over his will. Human nature is pretty much the same thing it always has been. We have advanced but very little toward that state of perfectibility which was imagined by Plato while dreaming in the gardens of the academy. It was for this reason that the Constitution wisely provides that the President shall receive for his services a salary which shall be paid at stated intervals, and shall neither be increased nor diminished during his term of office. In similar terms, it provides that the judges of the supreme and inferior courts shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office. The Constitution seeks to deprive Congress of the power of discretionary action with regard to the salaries of these officials.

Sir, I again cite the authority of Hamilton, whose splendid exposition of the Constitution cannot be too frequently or too carefully consulted by those who desire to place a patriotic and rightful interpretation upon that instrument. It is in the Federalist, in the seventy-third number, that he declares "the Legislature, with a discretionary power over the salary and emoluments of the Chief Magistrate, would render him as obsequious to their will as they might think proper to make him. They might in most cases either reduce him by famine or tempt him by largesses to surrender at discretion his judgment to their inclinations. There are men," he continues, "who could neither be distressed nor won into a sacrifice of their duty, but this stern virtue is the growth of few soils, and in the main it will be found that a power over a man's support is a power over his will. It is not competent for Congress to weaken the fortitude of the President by operating upon his necessities, nor corrupt his integrity by appealing to his avarice."

Sir, the same reasoning applies with equal force to the injurious effect on the independence of the judiciary, which a discretion to delay and refuse the salaries of the judges would occasion. But it will be contended that the political rider on the appropriation bill will not diminish the constitutional salaries of these officials. Sir, it will directly diminish such salaries. At best it postpones the payment. This deprives the President or the judge of the use and interest of his money, which is to diminish the salary. It does more. It violates that provision of the Constitution which declares that the salaries shall be paid at stated times. That is to say times which are to be fixed by law. To illustrate: the statutes now declare that the salary of the President shall be paid monthly. This was the law when he was inaugurated, and cannot lawfully and rightfully be changed so as to affect his salary during his term of office. In other words, he has an undeniable, vested right to monthly payments.

Now, sir, I ask what difference does it make to the rights of the President whether you postpone the payment of his salary until his term of office expires, or whether, because of a political rider on the appropriation bill about which you disagree, you do not vote the money to pay his salary until his term of office expires. To him the effect is the same. He is deprived of his money. The Constitution which sought to deny to the Legislature any control over the emoluments of the Chief Magistrate during his term of office is disregarded and nullified; and, dependent upon your caprice for a support, to recall the language of Hamilton, "you may reduce him by famine or tempt him by largesses to surrender his judgement to your inclinations." Sir, is it safe? Is it wise? Is it patriotic? Is it indicative of permanency and durability in our institutions when constitutional and fundamental distinctions are obliterated upon the merest pretext of the exigency of the moment, upon the most insufficient reason of party necessity?

Sir, gentlemen are fond of citing British precedents for the practice of refusing the supplies as a legitimate parliamentary resort. I should be delighted to hear the distinguished parlimentarians who so earnestly and zealously contend for the rider on the appropriation bills point out the analogy between the refusal of the British Parliament to vote a gratuity to a French soverign to carry on one of his wars and the refusal of the American Congress to pay the men who have devoted the best years of their lives to the public service the compensation for their meritorious services. The cases are entirely dissimilar. When in British history, save in times of actual revolution, did this "parliamentary heroism" refuse to maintain every department of the government, from the chief-justice of the realm to the light-keeper on Eddystone Reef? The waves of party feeling have run as high in Great Britain as in America. They have submerged the lives and the reputations of the most illustrious patriots. They have dashed with all the fury which the whirlwind of passion could impart against the granitic foundation of that unwritten constitution. But, sir, the government was maintained in all of its usual functions; and though the eloquence of Pitt and Fox had lashed the public mind into a frenzy of sympathy, though the death grapple of Brougham and Canning made the world hold its breath, the British public were secure; they were confident; they did not question that their institutions would survive the struggle.

Sir, children yet unborn will pronounce blessings upon the Forty-sixth Congress of these United States, if by your wisdom you relieve the public mind from the possibility of apprehension that your institutions may be destroyed, your Government paralyzed, your departments disorganized, your armies disbanded, your fleets scattered like the Spanish armada, by withholding, from the excess of party spirit, the power to deprive this great Government of its usual, its legitimate, its necessary support. Sir, if gentlemen suppose that in this discussion of an abstract and yet a most practical question I have any allusion to the action of any party, they entirely mistake the scope of my remarks. I do not mean to say that any rider on any appropriation bill would have occasioned the consequences which I have depicted, but these are consequences which may ensue at any time, and this in itself is sufficient argument that the practice is to be deprecated, must be abandoned. Will it require any particular degree of fortitude or patriotism for gentlemen to support the reform which I advocate? I know that it will place it out of the power of the majority to repeal at present certain measures of political legislation which I most heartily desire should be blotted from the statute-book, but the good to be attained is worthy of that sacrifice.

Let us divorce general legislation from the appropriation bills. Let us enter up a decree of perpetual divorcement, and we will have given to the republican party, to the people, to history, and to the world a signal instance of what the Representatives of the American people are willing to do and to suffer in the cause of that free Government which was conveyed to them in title deeds indented with the good swords of their revolutionary sires. Sir, when the Continental Army, with unparalleled devotion to country and to liberty, had fought out the great battle of revolution which gave liberty to a continent and the hope of freedom to the world, in the hour of their final triumph insidious efforts were made to induce them to misuse the strength which had crowned their sacrificial struggles with victory. The poison worked rapidly, and the agitation of the troops was alarming. Washington, apprised of the designs of the mischievous advisors, appeared in a meeting of the general and field

officers, and conjured them to adhere to the line of moderate counsels and patriotic duty.

By thus determining and thus acting—

Said he—

you will pursue the plain and direct road to the attainment of your wishes; you will defeat the insidious designs of your enemies, who are compelled to resort from open force to secret artifice; you will give one more signal proof of unexampled patriotism and patient virtue, rising superior to the pressure of the most complicated sufferings, and you will, by the dignity of your conduct, afford occasion for posterity to say, when speaking of the glorious example you have exhibited to mankind, "had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

Sir, under changed conditions this House may profit by the timely admonitions of Washington. The peace of the country, the regular discharge of all the functions of the Government, the confidence of our commercial and industrial interests, the quiet of the public mind, and, above all, the supreme necessity of maintaining the Government, are so far superior to the importance of any mere party victory that reason will not brook hesitation, and patriotism but obeys the dictates of reason.

Sir, as no man can question the consistency of my opinions upon this subject, so no man should doubt the sincerity of my convictions or the patriotism of my motives. Sir, I reiterate that the political rider on the appropriation bill imports that the money to maintain this Government may be refused at any moment. Refuse the supplies, and your Government will be first palsied, then paralyzed; refuse the supplies, and the mariner, as he approaches your shores, will look in vain for the welcome ray of the light-house to warn him from hidden dangers or to direct him to the secure harbor and the placid roadstead; refuse the supplies, and thousands of families of innocent women and children who depend for their support on the good faith of the Government will suffer from hunger and penury; refuse the supplies, and in the absence of the gallant defenders of our border the vile peons and fierce banditti of Mexico will sweep across the frontier, and devastation and robbery, rapine and murder will mark the places once the happy homes of your citizens. Leave the Indian frontier unprotected, give unrestrained license to the cruel tribes of merciless and revengeful savages, even now with difficulty restrained by the mailed hand of the Government, and picture, if you can, the shapes of terror and despair which will sit for household gods upon the hearths of the people of your western borders. Refuse the supplies, and you shake the credit of the Government at home and abroad; you humiliate the American people; you shake the confidence of the world in the stability of our institutions; and instead of a secure, and peaceful, and prosperous country of refuge for the toiling subjects of despotism and victims of tyranny in the Old World, you will afford the spectacle of a decaying republic, a government torn by great and ambitious factions, and where power has usurped the prerogative of the law.

Sir, I do not arrogate to myself any love of country superior to those with whom I am associated. I am sure it is the proudest delight of the American citizen to dwell upon the marvelous future which it requires no prophetic eye to see is the inheritance of this great Union of States. There is but one danger ahead of us, and that is that we may be induced to take some departure from the Constitution. As long as we hold to this rock we are safe. There is no wave of popular commotion strong enough to sweep us down. Let us hold to the Constitution; let us support the Government; then, esteeming country superior to party; then on the plane of a common humanity, a common destiny, a common brotherhood, a common country, oblivious of the past, let us labor to protect the liberties, to increase the happiness of the Union, and to augment the prosperity of that goodly heritage with which Divine Providence has blessed the American people.

Mr. HAWLEY. Mr. Chairman, I shall try to continue this discussion in the good temper manifested by my friend from Georgia. I speak now utterly without regard to partisan views, and my argument will be chiefly historical.

Attention was called during the debates of the extra session last summer to the existing rule of the British House of Lords which prevents "tacking," as the phrase there is, to appropriation or "supply" bills in the House of Commons, the express purpose of that rule being to protect the House of Lords in the exercise of its independent judgment. This question has not been without discussion and consideration in this country outside of this House, and long before either of the present political parties had in view any partisan purpose in connection with this question. I have collated references to the constitutions of all the States of the Union, and I will briefly refer to them.

Alabama in her constitution of 1865 provided that "each law shall embrace but one subject, which shall be described in the title." The constitution adopted by the same State in 1875 contains this provision:

Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes.

The constitution of Arkansas, adopted in 1868, provided that—

No act shall embrace more than one subject, and that shall be embraced in its title.

The constitution of the same State, adopted in 1874, provides—

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

The constitution of California, adopted in 1849, (I have not the last one), declares—

Every law enacted by the Legislature shall embrace but one subject.

Colorado in her constitution, adopted in 1876, has provided—

No bill, except general appropriation bills, shall be passed containing but one subject, which shall be clearly expressed in its title.

And any such act is made void as to so much as is not expressed in its title.

The constitution of Connecticut, which was adopted in 1818, contains nothing on this subject.

Delaware by constitution adopted in 1831 provides that—

All bills for raising revenue shall originate in the house of representatives; * * * nor shall any matter or clause whatever, not immediately relating to and necessary for raising revenue, be in any manner blended with or annexed to a bill for raising revenue.

Several of the State constitutions contain provisions of this character, which are equivalent to a prohibition of legislation on appropriation bills, because in the olden time many of the States did not, as some do not now, pass annual appropriation bills, but had standing laws under which the annual expenditures were made.

Florida in her constitution of 1868 has declared—

Each law enacted in the Legislature shall embrace but one subject, and matters properly connected therewith, which subject shall be briefly expressed in the title.

The constitution of Georgia, adopted in 1865, contains the following:

Nor shall any law or ordinance be passed which refers to more than one subject-matter, or contains matter different from what is expressed in the title thereof.

The constitution of the same State, adopted in 1868, contains the same provision. The constitution of Illinois, adopted in 1870, provides:

No act hereafter passed shall embrace more than one subject, and that expressed in the title.

And an act is made void as to so much as is not expressed in the title. Indiana, in her constitution of 1851, has declared:

Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title.

Any provision in violation of this is declared void.

The constitution of Iowa, adopted in 1857, contains the same provision as that I have just read from the constitution of Indiana. Kansas in her constitution of 1855 (and substantially in the constitutions of 1857, 1858, and 1859) provides:

Every act shall contain but one subject, which shall be clearly expressed in its title.

Kentucky, by her constitution of 1799, provides that revenue bills shall originate in the house, but the senate may amend, not introducing new matter not relating to raising revenue. Her constitution adopted in 1850 contains a similar provision.

A clause of the same kind is to be found in the constitutions of Louisiana, as adopted in 1812, 1845, 1852, and 1868. As to the last constitution of Louisiana I have no information. A similar provision is found in the constitution of Maine, adopted in 1820.

Now I call the attention of members, and especially of my friends from Maryland, to the constitution of that State adopted in 1776—a very good year. The section on this subject is a very strong one, giving the reason why legislation should not be contained in "money bills;" namely:

That the senate may be at full and perfect liberty to exercise their judgment in passing laws, and that they may not be compelled by the house of delegates either to reject a money bill which the emergency of affairs may require or to assent to some other act of legislation, in their conscience and judgment injurious to the public welfare, &c.

The house of delegates is forbidden to blend with bills to raise or apply money any matter not immediately relating thereto and necessary therefor.

The constitution of the same State, adopted in 1851, declares:

Every law enacted by the Legislature shall embrace but one subject, and that shall be described in the title.

The constitutions of the same State, adopted in 1864 and 1867, contain a similar provision.

Massachusetts retains her old constitution of 1780, which contains nothing directly on this subject, except the provision that money bills shall originate in the house and the senate may amend such bills.

The constitution of Michigan, adopted in 1835, does not touch this subject; that of 1850 provides that:

No law shall embrace more than one subject, which shall be expressed in the title.

The constitution of Minnesota, adopted in 1857, and the constitutions of Mississippi, adopted in 1817, 1832, and 1868, contain no provisions on this subject. Missouri, in her constitution of 1865, has declared—

No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title.

It is provided that anything further than this shall be void. And a constitutional provision of 1875 is to the same effect.

Nebraska, by a constitutional provision adopted in 1866, and again in 1875, provided that—

No bill shall contain more than one subjcet, which shall be clearly expressed in the title.

The constitution of Nevada, adopted in 1864, contains the following:

Each law enacted by the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title.

New Hampshire, having no constitution of later date than 1792, has no provision on this subject.

I come now to the constitution of New Jersey, adopted in 1844, before these contests had begun. Hear this provision from the constitution of New Jersey:

To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one subject, and that shall be expressed in the title.

I next read from the constitution of New York, adopted in 1846:

No private or local bill which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in the title.

But although New York has no direct provision on this subject as to general legislation, her constitution allows the governor to veto one or more items in an appropriation bill, while approving other portions of the bill, thus enabling the executive to escape the compulsion of "tacking."

The constitution of North Carolina adopted in 1876 contains no provision on this subject. Ohio, in her constitution of 1851, has declared—

No bill shall contain more than one subject, which shall be clearly expressed in its title.

Oregon, in her constitution of 1857, has provided—

Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title.

Pennsylvania, by constitutional provision adopted in 1873, has declared—

No law shall be passed except by bill; and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

No bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title.

And furthermore, the governor shall have "power to disapprove of any item or items of any bill making appropriations of money making distinct items," the items so disapproved to be subject to the limitations prescribed for other bills vetoed.

Rhode Island, whose constitution was adopted in 1841, has no provision on this subject.

The constitutions adopted by South Carolina in 1865 and 1868 respectively contain the following:

Every act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

The constitution of Tennessee adopted in 1870 provides—

No bill shall become a law which embraces more than one subject, that subject to be embraced in the title.

Texas, by constitutions adopted respectively in 1866, 1868, and 1876, gives the governor power to veto separate items of appropriation bills while approving others, and he is allowed twenty days after the adjournment of the Legislature to decide upon approval or disapproval and make proclamation thereof. The constitution of 1876 also provides:

No bill (except general appropriation bills which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title.

And so much as is not thus expressed is to be void. I consider the constitutional provisions of Texas and Pennsylvania the best on the subject to be found in the Union, and they completely protect the several branches of their government from the tyranny of legislation in money bills.

The constitution of Vermont, adopted in 1793, contains nothing on this subject. Virginia, in her constitutions of 1850, 1864, and 1870, respectively, has provided that—

No law shall embrace more than one object, which shall be expressed in its title.

The constitution of West Virginia, adopted in 1861–'63, corresponds on this subject to that of old Virginia. The constitution of 1872 declares that—

No act hereafter passed shall embrace more than one object, and that shall be embraced in its title.

Anything further is declared to be void.

Wisconsin, by her constitution of 1848, provides merely that private or local bills shall contain one subject.

By this review it will be seen that the constitutions of twenty-five States imperatively forbid that bills shall embrace more than one subject. Some of them give emphatic reasons, such as republicans have urged here in debate. In some cases the provisions are minute and careful, and in some the governor is permitted to veto items or parts of appropriation bills while approving the remainder. Five constitutions, ranging between 1779 and 1780 and 1831, assert the same principle and aim at the same effect by giving the initiative in revenue bills to the lower house and forbidding the upper house to add any foreign matter. These may properly be included, so that we have thirty of the thirty-eight State constitutions, ranging in their years of birth from 1776 to 1876, under federal, democratic, whig, republican, and other party auspices, North and South, East and West, before, during, and since the rebellion, which give solemn and deliberate judgment against that oppressive and revolutionary combination of "money" or "supply" or "appropriation" bills with general legislation which the democratic party is seeking to maintain in the face of the wisest precedents in the history of modern parliamentary government.

[Here the hammer fell.]

Mr. COX. Mr. Chairman, I perfectly agree with my friend from Connecticut [Mr. HAWLEY] that we ought if possible to guard our appropriation bills against these extraneous matters. I know that all at once, on the other side of the House, since they are in a minority, there is an impulse to cut off all "riders" from appropriation bills. I applaud the diligence of the gentleman from Connecticut in making this collation of authorities. I made the same point at the extra session of this Congress, as will be found by reference to my speech of April 17, 1879; but I made one important reservation. While I would not encourage a loose construction of Rule 120, while I would not pile upon appropriation bills whole codes of legislation, I would nevertheless, under a fair ruling of the Speaker, use that rule for retrenchment. I would not, if I could help it, use it for other purposes except this: I would resort to "riders" for the purpose of repealing laws which had been enacted in the form of "riders." This is what I said at the extra session—to repeal a mischievous law by legislation upon an appropriation bill is by no means a similar case with its enactment. I would use this power in a negative way to strike down vicious legislation.

Rule 120 has served a noble purpose. It enabled the Committee on Appropriations in the first session of the Forty-fourth Congress to cut down the estimates from $65,000,465.77 to $40,430,172—a saving of $25,000,000. The House also under this rule made a reduction of nearly $26,000,000 upon the estimates, and a reduction of nearly $25,000,000 upon the appropriations of the year before. Thus at the lowest calculation we saved that Congress about $40,000,000 as claimed by the Speaker of this House and other gentlemen, basing their calculation upon tabular statements. Even on the other side of the House it was confessed—notably by the present governor of Ohio, Mr. Foster—that by this rule we have saved in our legislation during the Forty-fourth Congress $21,000,000 per annum.

Why did not gentlemen on the other side commence their saving after the war? Ten years after the war they had the opportunity had they followed democratic precedent to have saved over $200,000,000, and yet the gentleman from Maine [Mr. REED] talks about airing the democratic party. He says the country is all the better when it is aired. Why, Mr. Chairman, if airing the extravagance of the republican side of the House does it any harm we will keep on airing it. The people like economy. If we could have saved over $200,000,000 under this rule, let us stand by the rule, giving it a proper interpretation. If the gentleman wants to go before the people with such an exhibit, let him go.

He says with the hilarity which becomes such prophecies, when we go to the people we will be beaten. I do not know about that. I never crow until I am over or out of the woods. It would not be wise for the gentleman to talk about what will be the future. One thing is sure, however, and that is that out of the black mud of radical abomination there did arise economy, there did arise the lily of democracy. [Applause.]

Mr. SPEER. I will withdraw my amendment for the present and yield to the amendment of the gentleman from Alabama.

Mr. LOWE. I offer the following amendment as a proviso to the third paragraph, and ask that it be reported to the House.

The Clerk read as follows:

Provided, however, That no provision or amendment of a partisan character shall be in order.

Mr. LOWE. The rule, Mr. Chairman, under consideration, is fair on its face; it retrenches expenditures and favors economy. But, sir, the power it confers on the committee "to change existing law" is of a doubtful, if not dangerous character. It was used during the extra session, may I not say abused, to intrude politics into the appropriation bills, and to needlessly alarm and agitate the country. We all remember, indeed, sir, we can never forget, what a gust of passion arose in the House and swept over the nation. I am sure that none of us are willing to invite a recurrence of such scenes. I thought then as I think now—reflection confirms my opinion—that political riders on bills essential to the Government are unwise in practice, revolutionary in tendency, and contrary to the spirit and genius of the Constitution. They call in question the veto power, and attack the executive department. The President's right to veto a bill is, of course, as absolute as the right of Congress to pass it. It is an express grant of power. But Congress denies, in effect, this right when we force the Executive to exercise it with peril to his conscience or to his administration; when we place him in a dilemma, with the alternative to yield his political convictions or to stop the Government. In other words, sir, we virtually deny his right to veto.

The departments, Mr. Chairman, are co-ordinate branches of the Government, and under the organic law each is, of course, absolutely independent of the others. "This," in the language of Mr. Calhoun,

"is the beautiful and profound system established by the Constitution." I speak, sir, as a democrat—a federalist. The whole current of authority sustains me. The preservation of the rights of the States, which are but the reserve powers of the people, has always been a cardinal doctrine of the democratic party. But not more so—not older in point of time, nor more sanctioned by reason and authority—than the doctrine of the limitations of the departments; the freedom of each from the others and the restriction of all to their exact duties under the Constitution. Indeed, sir, the rights of the States and the autonomy of the departments are connected as interdependent constitutional questions. Under that system, fairly enforced, I am not afraid of the power of the Executive. Aside from other considerations, impeachment is an all-sufficient check upon him.

If danger shall threaten our institutions, it will not develop itself, I think, in that department. The great Carolinian to whom I have already referred, in his luminous and exhaustive argument in favor of the veto power, enlarges upon its "conservative character" and "salutary, restraining influence;" upon its tendency to "soften sectional feeling and party spirit," and to bring out "a more full and perfect resprnse from the voice of the people" Indeed, sir, Mr. Calhoun did not distrust, but rather sought to magnify the veto power. And this is true also of Mr. Jefferson. Although jealous and distrustful of all government, he had but little apprehension from "the one-man power" in this country. He feared at first the Federal judiciary, "the sappers and miners of the Constitution;" but subsequently, later in life, he expressed the gravest fears from "the turbulence and aggressions of the legislative department." This also was Mr. Madison's opinion, and shared to a large extent by Mr. Hamilton, Judge Marshall, and the earlier writers on our Government; and I may add that this is also the recent view of the venerable and illustrious author of "The War Between the States." I regret, sir, that my own humble observation and limited experience leads me to the same conclusion.

If danger ever assails our institutions from within the system, I fear it is more likely to come, and more dangerous when it does come, not from the veto, but from an oligarchy in Congress led away by party passion and inflamed with the lust of party power. We hold the discretionary authority, necessarily indefinite, to enforce express grants by "appropriate legislation." Nothing is more liable to perversion and abuse. And moreover, sir, we must consider that almost every encroachment by Congress tends to facilitate and open the way to aggressions from the other departments; increasing, for instance, the patronage of the Executive and enlarging the jurisdiction of the courts. I think, therefore, in view of these and other considerations, that the veto power imposed by the Constitution as a check on Congress is a wise and wholesome restraint. It should be preserved in all its constitutional vigor. The Executive himself is more liable to lose than to gain by its exercise; more likely, in the nature of things, to relinquish than to acquire power.

Mr. Chairman, I hold in my hand a valuable relic, preserved in the Library of the House, an original copy of the confederate constitution. This document—the wisdom of the South after eighty years' experience in the old Government—is a strong and pertinent authority to the point under present discussion. It enlarges the veto power. It gives the President the right to "approve any appropriation and to disapprove any other appropriation in the same bill." It embodies in an express provision the canon of parliamentary law we now seek to enforce. This certainly is good democratic authority, or used to be, for one side of this House; and must also commend itself to the republicans here as an advanced position of hostility to "coercing the Executive," or to "starving the Government." It obviates, in the outset, every possibility of conflict between the two departments. The House, moreover, has not forgotten that President Grant in his annual message in 1873 advised an amendment to the Federal Constitution very similar to the provision I have quoted from that of the confederacy. It seems that having captured that constitution in war he was wise enough to utilize it in peace.

Indeed, sir, his language and purpose seem to go as far if not farther in the line of executive power than was contemplated by the South. He recommends that the President be authorized to "approve so much of any measure of Congress as his judgment might dictate, without approving the whole;" not appropriations alone, but "any measure of Congress." And why not? It would allow the Executive, by his own veto, without the need of this rule, to protect himself and party, and would to that extent be an additional check upon Congress.

This, Mr. Chairman, has, of late years, been the general drift of public sentiment throughout the country. Identical provisions, or provisions very much to the same effect, may be found in all the recently revised State constitutions—in those of Alabama, Arkansas, Illinois, Texas, Georgia, Louisiana, Maryland, Missouri, Nebraska, Ohio, Oregon, Pennsylvania, Virginia, and West Virginia; and also in the legislative enactments and parliamentary rules of a majority of the States. They are all designed, sir, and wisely designed, to preserve the executive from usurpations by the legislature.

It may be remembered, sir, that during the extra session I moved to strike the rider from the Army appropriation bill, because I thought then, as I think now, that it was an encroachment by Congress upon the Executive. I sought in vain to save the House and the country from the evil results that have since accrued in the defeat of the democratic party and the triumph of the united North over the solid South on sectional and sentimental issues. I never doubted the honest but rather small economies of this rule. I never questioned the thrifty motives of the majority. I think I fully appreciated their position. In fact, sir, we were very well agreed on measures, but differed as to means. I opposed the so-called "army at the polls"—an imaginary, fictitious evil—and also "political oaths" and "partisan juries;" but neither then nor now, sir, would I seek to enforce my opposition by doubtful and absurdly inadequate methods.

To be candid, sir, we all know that the extra session was, at bottom, a party fight for power—a struggle for position in 1880 between a Congress of one party and an Executive of the other. The issues have passed away as if they had never been, coming and going at the instance of a few men in this House. But it may be well, in the calmness of this moment, to inquire what interest the people, the country at large, had in that struggle. If I am not greatly mistaken they had this interest, from first to last, whether of one side or the other, to keep each department within the prescribed limits of the Constitution and laws. The mere contest for party power seems over, but, sir, that paramount and abiding interest remains. That is the only concern I feel in the result of this debate and in the final action of the House.

Mr. Chairman, it is objected that my proviso gives whoever may be Speaker the right to judge what constitutes "partisan amendment." I am aware of the apparent force of this objection. The power to decide is discretionary, and therefore indefinite; but I am reluctant to believe that any one chosen to the high position of Speaker would basely stultify himself before the House and the country. It will, of course, be a matter of personal judgment and conscience. But in the light of this contemporaneous debate, no honest mind could well doubt as to what is meant by an "amendment of a partisan character." But if by possibility any doubt should arise, we would not be remediless; we would have a remedy in an appeal to the House. And that remedy, under the circumstances, would be absolute and conclusive: for if the members voting on the appeal should actually divide on the lines of party, that fact of itself would ascertain the truth, vindicate the minority, and sustain the subsequent veto of the Executive.

But, sir, I am not wedded to my own proposition. I would gladly abandon it for something better. I should prefer to retain the economic features of the rule with my amendment as a proviso against perversion and abuse. But, if necessary to enforce the general views I have expressed, I will vote for the amendment of the gentleman from Pennsylvania, [Mr. CLYMER,] or for the amendment of the gentleman from Georgia, [Mr. SPEER,] and act outright with those who oppose all general legislation on these bills. I believe a majority of the committee desire to settle this vexed question now, as far as the rules can settle it. An amendment to the Constitution such as that adopted by the confederacy, or as that recommended by President Grant, would no doubt be the most efficient remedy; but in the absence of such provision I favor the next best thing that can be done by the House. I trust both sides will come to some agreement to abandon the vicious and dangerous practices which of late years, under both parties, have grown out of this rule, and to return to the normal and legitimate methods of legislation.

Mr. MCLANE. Mr. Chairman, I rise to oppose the amendment and support the original rule. I am very much struck with the fact that all the opposition to this rule, although it develops the charge of partisanship against those who advocate it, I am struck by the fact—I say, that the whole spirit of the opposition to the rule is a partisan spirit. The rule itself is the rule of this House under the Constitution of the United States, and it might with perfect propriety allow all legislation on appropriation bills, so far as the Senate is concerned, and so far as the Executive is concerned. The Senate now do permit legislation on appropriation bills and nobody has ever contended that the rules of the two bodies ought to be uniform; or that we had any right to complain that the Senate permitted original legislation on appropriation bills, provided we of the House enjoyed our right to originate the title. This right to originate is our only constitutional right; that once settled, each House is left to its own discretion as to how it shall regulate itself in the details of legislation.

The truth is that all that can be said against the rule is against the administration of the rule. It is the abuse of the rule and not the rule itself; and gentlemen who now oppose the rule have throughout the whole history of this country, so far as its political organization is concerned, set the example of excessive abuse of the rule. The gentlemen on the other side of the House have for twenty years given the very construction to the rule which they now oppose. It is the abuse of the rule, and the abuse of the rule as developed by the republican party for the last twenty years, to which all criticism and reproach and all opposition should be directed. By the rule it is intended to have a sure rule for conservative legislation. The rule itself confines legislation to the objects authorized by law. It is, therefore, in its essence exactly what gentlemen on that side of the House say it ought to be. In so far as it has been extended beyond objects authorized by law, it confers a power to reduce expenditures authorized by law. There is nothing in the rule which justifies new legislation or increased expenditure. The gentleman from Georgia,

[Mr. SPEER,] who was interrupted in his speech, had developed it just enough to make the point that this rule admits of riders to appropriation bills. It admits of no such thing. It is the abuse of the rule through which you reach riders; and those who encourage the gentleman from Georgia in his opposition are those who have most abused it and yet declaim against it. The rule itself confines legislation to objects authorized by law, and then confers upon this House the right to reduce all expenditures already authorized by law.

That the rule has been abused is an open secret; and I say, without fear of contradiction, that the abuse of this rule since it was made a rule has been all the time, until the Forty-fourth Congress, under the control of the other side of the House. We have had no opportunity to abuse it, and there is no necessity for any democrat to feel himself embarrassed by an allegation that he has abused this rule. The democratic party have not had power in this House for twenty years nearly prior to the Forty-fourth Congress. When the latter part of this rule was adopted they obtained power in that Congress, when this rule was modified and used to retrench expenditures.

In so far as it has been loosely construed by the democratic House, we have but followed the acknowledged established precedent of gentlemen on the other side of this House when the whole Government was controlled by the republican party. And it seems to me out of all reason that gentlemen should place their opposition upon an allegation so totally unfounded in fact as that which is alleged that these "riders" to appropriation bills are part of the policy of the democratic party. It will be well to adhere to the original rule, as modified in the Forty-fourth Congress, and to the policy of retrenchment and reform then inaugurated.

[Here the hammer fell.]

Mr. SPEER. I move as a substitute for the amendment of the gentleman from Alabama [Mr. LOWE] the following:

After the word "order," next to the last line, insert the words: "but it shall be in order to strike out any sum of money in an appropriation bill and insert a less sum."

Mr. SPEER took the floor and concluded his speech. [See page 854.]

Mr. BLOUNT. Mr. Chairman, my colleague [Mr. SPEER] unfortunately confines himself to a single illustration of the use of this rule, and bases his entire argument on that single condition of facts. The question is whether there shall be any change of this rule, and whether or not you shall legislate on an appropriation bill at all. That is the question. Gentlemen may attempt to devise language with great ingenuity, but when they come to put it into practice it will be found at last it is but the simple question, whether we can legislate on appropriation bills.

My colleague suggests in his amendment we may legislate to reduce the amount. Suppose that be adopted, and you provide for reduction on appropriation bills of the compensation of postmasters, reducing the amount appropriated for their salaries? Suppose you reduce the amount to be paid to railroad companies? Suppose you provide for reduction in any branch of the public service? Now, will any gentleman undertake to say that this Government is not bound by the amount of compensation which the law prescribes, and not the amount voted in the appropriation bill? The result of such a course, in providing not for a change of the law, but simply as my colleague proposes for reducing the amount appropriated would create only a deficiency of appropriation which would have to be supplied afterward. The party whose compensation was reduced would come here and say, "Your law prescribes I shall have a certain salary for the discharge of the duties of the office which I hold, and you have not in the appropriation bill provided enough to pay that salary." That is the attitude in which we would be placed by the adoption of the amendment of my colleague; and if we should reduce the appropriations without changing the law, we should be constantly asked to pay claims for the balance of the amount due under the law.

Gentlemen on the other side suggest we should provide there should be no partisan legislation allowed on appropriation bills. What is partisan legislation? Has it any technical signification? How do we understand there is a party issue upon any proposition? That is to be developed hereafter when it is brought before the House for action. Differences cannot occur until the question has been presented.

Gentlemen may resort to all the ingenuity of which they are capable, and yet they come back at last to whether or not we shall legislate on appropriation bills. Let us see what we find there. My colleague from Georgia has supposed a case full of dire disaster as he thinks. The gentleman from Maine [Mr. REED] said the extra session, brought about by the unwisdom of the democratic party, was the result of just such legislation. Now, if the country condemns our action, what better conservative force does he want. So far as my colleague's fears are concerned, I undertake to so say the time will never come when this Government will perish by the failure to pass appropriation bills. No gentleman here believes it.

My colleague gave an instance from the post-office service. Let me state to him that postmasters of this country, some of them, under an honest administration of the law, were getting salaries of $200. By a dishonest construction of that law, and by a false return and fraudulent sale of postage-stamps, those salaries were in some instances run up to three or four thousand dollars instead of what the law prescribed. There has been no legislation on it. When we came to consider the wants of the Government service we inserted legislation which saved on that item alone from eight hundred to nine hundred thousand dollars. And so in reference to railroads. In the Forty-fourth Congress we saved over a million of dollars in compensation to railroads. In the Forty-fifth Congress we saved still further by reducing the pay of railroads for transportation of mails to the extent of a half million of dollars by legislation, under this rule, on appropriation bills. Such items have been running for years and years through the appropriation bills, and I undertake to say that there has not been less than $100,000,000 saved to the people of this country by this kind of legislation. I hope this House, therefore, will not deny to itself the power that every preceding House of Representatives has possessed since the foundation of the Government. For one, I am willing to trust the representatives of the people.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I move that the committee rise for the purpose of obtaining an order from the House to close debate upon this clause.

Mr. GARFIELD. Let us take a vote now.

Mr. TOWNSHEND, of Illinois. If the committee will agree to vote now I will withdraw my motion.

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] is on the floor. After he has spoken the Chair will decide that further debate will not be in order.

Mr. HOOKER. Can the Chair decide that until an order is given by the House to close debate?

The CHAIRMAN. The Chair can decide that there cannot be further debate until a vote has been taken upon some one of the amendments.

Mr. TOWNSHEND, of Illinois. I withdraw the motion that the committee rise.

Mr. MILLS. I shall vote most cheerfully for the substitute offered by the gentleman from Georgia, [Mr. SPEER.] I voted in the Forty-fourth Congress, when the party on this side of the House came first into power, for the amendment to the rule which it is now sought to repeal. I have seen some beneficial results from that rule, and I have seen some injurious results from it. I will not now stop to draw a comparison between the good and the bad and sum up the balance of accounts. If it has been a good amendment to the rule, I think it has served out the period of its usefulness, and ought to be repealed.

I have two or three strong objections to that rule. Under the decisions of the Chair anything that is at all akin to the question before the House on an appropriation bill, if it reduces expenditure one farthing, is legitimate to be offered as an amendment. Now, I do not object to the power or privilege which this rule gives to the House of reducing an appropriation, for that is granted in the amendment of the gentleman from Georgia. But the part of the rule that I think is injurious to good legislation is that which authorizes the bringing in of every possible subject and placing it upon appropriation bills. It gives the Committee on Appropriations full sweep over the whole laws of the United States. It breaks down every barrier. It authorizes that committee to dicate every issue that is presented to the people of the United States. It matters not, sir, what may be the public opinion of the United States on any question; it is the party leaders of this House who have the bringing before the House the appropriation bills, and if they desire to thwart that public opinion, they have but to array their party upon this floor upon the question they may choose to make the issue and sound the bugle, and then the party is irrevocably committed to it.

Gentlemen speak of the great victories of retrenchment under this rule, but they fail to tell us where taxation upon the people has been reduced, and that is the very soul of retrenchment. I ask gentlemen to tell me where a farthing of taxation has been reduced under the influence of this rule. The people have been complaining of an unjust system of taxation ever since we have had control of this Government; and our party, when it went into the canvass in 1876, arraigned a system of collecting the customs revenue as one that took from the pockets of the laboring people of this country five dollars for every one that it carried into the Treasury. But gentlemen committed to that doctrine cannot point to one single solitary bill proposing to reduce that taxation which has been brought before the House with any hope of obtaining its passage.

It has been found that upon this single question of retrenchment of expenditures we have a united party, and hence it becomes necessary to save this one plank upon which a united party may stand. At the same time, the section from which I come is to be paraded before the people of the United States every time an appropriation bill is presented to this House, and blows must be dealt upon the heads of the people of that section in connection with the various measures proposed upon appropriation bills. If victory results from this, it is not for their benefit; but if defeat come, every friend withdraws from them, and all the blows fall solitary and alone upon their heads.

[Here the hammer fell.]

Mr. HOOKER rose.

Mr. HAYES. I desire to make a privileged motion. If we are not to get a vote at this time, I move that the committee rise for the purpose of obtaining an order from the House to close debate.

Mr. HOOKER. Can the gentleman make that motion while I am on the floor?

The CHAIRMAN. He cannot while the gentleman from Mississippi is on the floor.

Mr. GARFIELD. Is not debate exhausted on the pending amendments?

The CHAIRMAN. Debate has been exhausted upon the amendment offered by the gentleman from Alabama, [Mr. LOWE,] and also upon the substitute proposed by the gentleman from Georgia, [Mr. SPEER.] But the gentleman from Mississippi [Mr. HOOKER] has been recognized to move to strike out the last word of the substitute. Upon that amendment there may be two speeches, one in support of the amendment and one in reply.

Mr. GARFIELD. Is not that an amendment in the third degree?

Mr. HOOKER. It is not, according to the construction of the rule that has governed the committee heretofore.

The CHAIRMAN. The gentleman from Mississippi moves to amend the substitute—treating the substitute as an independent proposition. His amendment, therefore, is not an amendment in the third degree. The gentleman from Mississippi is entitled to the floor and will proceed.

Mr. HOOKER. In answer to what has fallen from the gentleman from Georgia [Mr. SPEER] in support of the substitute he has offered, and in answer to what has fallen from my friend from Texas, let me say that I think the committee had better possess itself of the rule which has been reported to the House and ascertain in what respect the substitute proposes to change it. I will not weary the committee by reading it. But I will state that the rule as now reported was adopted on the motion of a gentleman from Indiana who stood upon this floor as probably one of the soundest and most practical legislators that ever served the country on either side of this House—I allude to Mr. Holman, of Indiana. He was the author of this amendment as it now stands in the rules as they now are, and as it stands in the rules now reported by this committee. The object and purpose of it was to restrict the abuse which had been made by the republican party of the power to place riders upon appropriation bills; and this amendment offered by Mr. Holman and ingrafted upon the rules of the House in the Forty-fourth Congress, and now reported by the Committee on Rules, requires three conditions before there can be a change of law upon appropriation bills.

There must be three things: primarily there must be a proposition to change existing law; next, the subject-matter must be germane to the bill under consideration; and, thirdly, it must look to the reduction of expenditures. Therefore under the rule as it now exists, and under the rule as reported by the Committee on Rules, so far from the power of the Appropriations Committee being enlarged by the amendment to the rules offered by Mr. Holman, it was restricted and cut down and limited and restrained. That amendment had not for its function or its purpose the enlargement of the power of the Committee on Appropriations. It limited the power from what it had been when the republican party had control, when the power existed of offering any and every proposition by way of amendment. It limited it to the extent that it required the proposition to be germane to the subject matter of the bill and to limit expenditures. To that extent only could any proposition be attached to an appropriation bill changing existing law.

But I am opposed to a change of the rule for a higher consideration than that. It has sometimes been asserted that the power of the House of Representatives as established by our Constitution was not analogous to the power of the English House of Commons over the subject of granting money. I deny that that is a true construction of the power of this House under the Constitution of this country. I would be sorry to vote for any measure or any proposition which should look to the stripping of this House of the right and the power to say that which, under the Constitution, this department of the Government alone can say: when and how and where and under what circumstances money shall be taken from the public Treasury. Any proposition which looks to a reduction of the power of this House, to a restraining of the power of the House, to a limiting of the power of the House over the question of granting the public money, ought never to be adopted by the House whatever party may be in power.

I oppose this amendment and favor the rule as it now stands, because that rule does give to the House the power to say that existing law may be changed by an amendment offered to an appropriation bill, if that amendment be germane to the subject-matter of the bill and tends also to the reduction of expenditures.

This House, under the Constitution and the laws, alone has the power to originate money bills. It is said by gentlemen arguing this question that this House would have the right to put a veto on the action of the Senate and a veto on the Executive. Sir, I admit that is so; and I say with the author quoted by a gentleman on the other side, the great Calhoun, when interpreting this question, that this exercise of the veto power by the one House over the other, and by the Executive over both, only serves to strike another chord in the popular voice, and to bring it out in more full and perfect harmony.

[Here the hammer fell.]

Mr. WHITTHORNE. I will detain the committee but a moment or two only. I am in favor of the proposed modification of this rule. I believe it is demanded by the present interests of the country and much more by its future interests. Let us, for a moment, look at this question without regarding it as a partisan question. What is the object of all rules? It is to secure the intelligent and prompt dispatch of the public business to be brought before a legislative body. What is the necessity for committees of the House? It is to so divide the labors of that body that its work may be brought in before the House in an intelligent shape, as the result of the labors of those committees.

Now, if all the business of the House is to be subject to and controlled by one committee, what necessity is there for dividing that work among the several committees? If the Committee on Appropriations is to determine the character of the legislation to be presented to this House, then why organize committees upon any other subject than that of appropriations?

It is said that this proposition, if adopted, will deny to the representatives of the people the right to withhold appropriations. I ask, is it necessary to have a rider on an appropriation bill in order to get me to withhold my assent from it? If the Army is used to oppress the people of the United States, is it necessary that I should affix a political or legislative rider to the Army appropriation bill? Sir, it is my duty under the Constitution, if I believe the appropriations for the maintenance of the Army are being used illegally, tyrannically, and corruptly, to refuse to vote for the regular Army appropriation bill when it is offered to me for my assent or dissent. A rider on such a bill, therefore, is not necessary.

A word or two now as to this question of riders upon appropriation bills. The experience of every State Legislature is that corruptions of the grossest and basest character make their way into the legislation of the country through the means of appropriation bills and omnibus bills. It is by means of riders that omnibus bills are created, and it is by omnibus bills that more than half of the Legislatures of the States of this country have been corrupted.

In the interest of my country and in the interest of my party, I beg gentlemen to look far into the future, and consider if, when you give to the Appropriations Committee the power to put legislative riders upon appropriation bills, considering the immense growth of individual and corporate interests of this country, it will be long before the corporations of the country through your Appropriations Committe will control and direct the legislative bodies of this country into a ruinous course which will eventually change the character of our institutions.

Let us stand by the old traditions of the legislative fathers of our country. Let us stand by the experience of our State Legislatures in the different States, where constitutions have been amended so as to prevent riders on appropriation bills and to prevent omnibus bills. Sir, let us give each of our legislative bodies and their committees their proper functions.

[Here the hammer fell.]

The question being taken on the *pro forma* amendment of Mr. HOOKER, it was not agreed to.

Mr. GARFIELD. As an amendment to the substitute of the gentleman from Georgia, I offer the following:

> But it shall be in order to strike out any sum of money appropriated in a bill and insert a less sum.

I offer this to test the sense of the Committee of the Whole. I offer it, I trust, with no other interest in view than the good of this House, the good of my party, not as a minority, but the good of my party if it should be in the majority—the good, as I believe, of any party whether in the minority or in the majority; for, in my view, it is the interest of every party that we should seal up, so far as we can, the fountain of the bitter waters of strife, and put ourselves in the line of plain, fair, business work, while at the same time we protect the Committee on Appropriations against the assaults which it is liable to receive from all quarters unless some such protection is given to it. I ask a vote on the amendment.

Mr. BLOUNT. I wish to ask the gentleman a question. Would not the effect of his amendment be just this: if the salary, for instance, of a cabinet officer should be reduced on an appropriation bill, without any change of the existing law, would there not simply be a deficiency as to the balance of salary for which we would be bound afterward to appropriate?

Mr. GARFIELD. If a majority of the House and the Senate reduced the appropriation for salary in any appropriation bill, the same majority could go to work and in a separate law make that change operative by legalizing in the form of independent legislation what the judgment of Congress had declared in an appropriation bill.

My own belief is that the officers of this Government ought to be safe for more than twelve months against sudden and unexpected assaults upon their salaries by means of the annual appropriation bills. To change the salaries of public officers, there ought to be required a little more notice than the simple, accidental change of an appropriation in one of the annual appropriation bills.

In conclusion, I will simply say that this amendment saves what the Speaker of this House has said was the main object of the present rule, the reduction of expenditures. Everything else is excluded. It enables us to reduce expenses, but it does not enable us to make the Appropriations Committee the Moab, the wash-pot of the country, in which all the linen of the House is to be tumbled. To prevent this is the object of my amendment, and I believe that if adopted it will execute itself.

Mr. TUCKER. As I understand the amendment of the gentleman

from Ohio, it will authorize in any appropriation bill the insertion of a less sum than the amount authorized by law——

Mr. GARFIELD. Yes, sir.

Mr. TUCKER. But will it authorize the striking out of the whole sum?

Mr. GARFIELD. In striking out you may put in anything you please. You can strike out $5,000, for instance, and insert zero.

[Here the hammer fell.]

Mr. McMAHON. Mr. Chairman, I had thought that the whole object of referring an appropriation bill to the Committee of the Whole House was to enable that committee to increase or diminish the amount of appropriations. It seems to me, therefore, a very novel proposition that we shall confer upon the Committeee of the Whole the right to diminish the amounts proposed to be appropriated. I understand that the act of appropriation lies in the breast of the Committee of the Whole or of the House; that how much shall be appropriated is always an open question, and does not involve any question of legislation. I understand very well that if in an annual appropriation bill we appropriate, for example, $3,500 as salary for an officer who under the law is entitled to $5,000, unless we expressly say "this appropriation shall be in full for salary for the coming fiscal year," a deficiency is created, and a claim against the Government might be enforced in the Court of Claims. A more insidious proposition in the interest of the office-holders of this country was never presented in the House of Representatives than the proposition now pending.

And I say to my young friend from Georgia [Mr. SPEER] that when he starts a new proposition here in the legislation of this House, it ought to make him shake in his boots when he finds the whole republican party ready to stand sponsor in this new baptism. [Laughter.]

Mr. SPEER. I may be young, but I trust I am of the number of those whose follies cease with their youth. [Laughter and applause.]

Mr. McMAHON. A very good answer, Mr. Chairman; but the trouble is that the whole of the party on the other side of the House applaud the gentleman's present position; and I say that when the republicans of this House unanimously support a proposition offered by a democrat, that man ought to consider, "What have I done to draw down upon me the unanimous applause of the other side of this House?" [Laughter.]

Now, Mr. Chairman, as a member of the Appropriations Committee I want to disavow all desire for the right on the part of that committee to put one word of legislation upon an appropriation bill. But I do want to reserve to the people's representatives in the Committee of the Whole House the right to retrench the expenditures of this Government upon a proper occasion. I do not care that the Committee on Appropriations shall have the power to report one particle of general legislation to this House. I do not want that power. I do not want to be abused for such legislation. I think the Committee on Appropriations has been misled in putting into bills general legislation. But when a democrat comes before this House and says to this Committee of the Whole House, this representative body I see before me here, we shall have no right when we are legislating and passing appropriation bills to say, when we want to, that we shall retrench expenditures, to say that, sir, is for the democratic party to furl at once the flag of retrenchment and reform. It is giving up all we have claimed before the people. It is giving up the standard we raised when we went before the people. And when my young friend considers that view of it, let me say to him, he himself gives up the cause of the party in the next presidential fight. If we strike it out we confess to the people of this country we cannot make the fight in the interest of economy any more.

Now, I want to say to that side of the House their unanimity on a question like this surprises me. I can only accept it as one of those late confessions which always comes to the republican party when it is out of power. When it was in power it was one of the worst which ever had control of this Government. [Laughter on the republican side of the House.] I hope this will not come out of my time.

Mr. ANDERSON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. I wish to inquire of the gentlemen from Ohio whether in applying the party lash he is acting as a member of the Committee on Appropriations or as a member of the democratic party, or both? When he is exercising the party lash on that side of the House let me suggest that he has no right to whip us on this side.

Mr. McMAHON. There comes the old appeal—the party lash! the Appropriations Committee! I think the lash must have struck the gentleman himself, as he is the first one to cry out. [Laughter.]

Mr. ANDERSON. Not much.

Mr. McMAHON. My honored friend from the State of Ohio, when a member of the Committee on Appropriations, never stopped at putting any political legislation on any appropriation bill. Now we have contracted and narrowed the rule. We say any legislation that goes on an appropriation bill must be germane to the subject under consideration.

Mr. GARFIELD. The gentleman will allow me——

Mr. McMAHON. In one moment. Secondly, that it shall retrench expenditures. Is not that a good rule? Do you want, gentlemen on the other side of the House, to go to the country and say that is not a good rule? [Cries of "Yes!" "Yes!" on the republican side of the House.] All right, then, put yourself upon the record; but I say to gentlemen on this side of the House, it is not our record and should not be. It is our pride that such is not our record. We know it is your record. We know when you had possession of the Government you spent every dollar you could spend, and you will spend it again when you get possession of this House.

[Here the hammer fell.]

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Ohio [Mr. GARFIELD] to the amendment of the gentleman from Georgia, [Mr. SPEER.]

Mr. TUCKER. I ask the gentleman from Ohio to modify his amendment as I have suggested.

Mr. GARFIELD. I have no objection to saying "or" instead of "and."

The CHAIRMAN. The gentleman can modify his amendment as he pleases.

Mr. TUCKER. That involves striking out or reducing.

Mr. GARFIELD. I will modify my amendment in that way.

Mr. TUCKER. Then it will be in order to strike out any sum of money appropriated in a bill or to insert a less sum.

Mr. RANDALL, (the Speaker.) I wish to state the effect of this. There is a law upon the statute-book directing the appropriation of so much money for a particular subject. You propose in the amendment just read to allow it to be reduced in the appropriation bill.

Mr. GARFIELD. Certainly.

Mr. RANDALL, (the Speaker.) Which is in conflict with the law. Now, if you do that, you should go a step further and give the power to legislate on that appropriation bill to change existing law to the extent of that reduction.

Mr. GARFIELD. I do.

Mr. RANDALL, (the Speaker.) You place the House by your amendment in the attitude of refusing to appropriate as much money as the law authorizes. Then we will have claims for the balance which the law prescribes over the amount appropriated.

Mr. BURROWS. I make the point of order that debate is exhausted.

The CHAIRMAN. Debate is exhausted.

The question recurred on Mr. GARFIELD's amendment to the amendment.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. BLACKBURN were appointed.

The House divided; and the tellers reported—ayes 121, noes 121.

Mr. YOUNG, of Tennessee. I vote "no."

The CHAIRMAN. On this question the tellers report 121 in the affirmative and 122 in the negative. The amendment is rejected. [Applause on the democratic side.]

Mr. GARFIELD. Now, we will try the amendment of the gentleman from Georgia.

A MEMBER. Oh, no; there are several others yet to come.

Mr. HOOKER. Mr. Chairman, I rise to a parliamentary inquiry. Is not the House now brought to a direct vote upon the substitute offered by the gentleman from Georgia, the amendment of the gentleman from Ohio having been voted down?

The CHAIRMAN. The amendment of the gentleman from Ohio having been rejected, it is now in order to offer further amendments.

Mr. HASKELL. I desire to offer an amendment, and my amendment to this substitute is the third clause of this rule as amended by the words I send to the Clerk's desk.

The Clerk read as follows:

Amend the substitute so as to read, after the word "as" in the sixth line, "shall receive a two-thirds vote of the House or Committee of the Whole and."

Mr. HASKELL. Now, the operation of this amendment if adopted will be simply this: It leaves the operation of the rule as it is, giving full power to this House to change existing law in appropriation bills if the amendments are germane and if they tend to retrench expenditures, but it provides that that amendment must be first submitted to the House or the committee and a two-thirds vote secured for its passage. Then it can be attached to the appropriation bill.

This leaves it to the power of the House to control extravagant expenditures. It leaves it to the power of the House in a great exigency to change the existing law on an appropriation bill and simply compels the entire absence of anything like political legislation from the fact that a political amendment could not receive the necessary two-thirds vote. It may be suggested here that we have the motion to suspend the rules, but you cannot do that; for you cannot get the floor to make the motion to suspend the rules for your amendment, however much you may want it if it changes existing law.

Under the operation of this amendment the power of this House is retained, and it simply compels the proposed "rider" or amendment to pass the scrutiny of two-thirds of the House or of the Committee of the Whole. If it does that it is a just and wise bill. If it does that, it is no coercion of the Executive to sign it, because it has been indicated by the vote here that there is a sufficient power in the House to constitutionally override the President's objection. That simple amendment disposes of your political riders, and leaves the majority of the House to pass a really economical subject by simple, wise legislative methods.

I believe if our friends on the other side will adopt this they will

find themselves curtailed in no wise economy, but the only result of it will be to remove political legislation from appropriation bills.

Mr. HOOKER. I hope the amendment will be voted down.

The amendment to the amendment was rejected.

Mr. WARNER. I desire to offer as an amendment to the amendment of the gentleman from Georgia the following.

The Clerk read as follows:

Except that it shall be in order to reduce expenditures provided for by existing laws and covered by the bill, and to that end only to change the law.

Mr. GARFIELD. Change one word and I think we can harmonize. Change the word "expenditures" to "amounts of money."

Mr. BLACKBURN. Oh, no!

Mr. STEVENSON and others. Let the amendment be again read.

Mr. GARFIELD. Do not have it as a means to take in all legislation upon it.

The amendment to the amendment was again read.

Mr. REED. That is worse and more of it.

Mr. RANDALL, (the Speaker.) The amendment had better be read in connection with the other portions of the paragraph.

The CHAIRMAN. The Clerk will report the third clause as it would read if amended by the adoption of the amendment of the gentleman from Ohio, [Mr. WARNER.]

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except that it shall be in order to reduce expenditures provided for by existing law and covered by the bill, and to that end only to change the law.

Mr. GARFIELD. If the gentleman from Ohio wishes to speak on his amendment I desire to say a word in reply. If he does not desire to speak, I wish now to make a remark.

Mr. WARNER. I wish to say but a few words. I cannot myself, Mr. Chairman, consent to any measure which will deprive this House of its control over appropriations. It has cost the people of the Anglo-Saxon race too much to secure to themselves that control, and I for one shall never give a vote knowingly to take away or abridge that right. On the other hand, I concede that to make use of a threat to withhold appropriations from legitimate objects for the purpose of coercing the Senate or a co-ordinate branch of the Government to give assent to a particular measure is inconsistent with our theory of government and wholly unjustifiable. [Applause on the republican side.]

It is a bad precedent set by the republican party, and ought not to be followed. The people of this country do not derive their powers nor their rights nor their liberties from king or president. They are themselves the source of power, and it is in my opinion belittling that power, if not a virtual surrender of this great primary principle of government, to talk about compelling from a President "a redress of grievances." The redress of grievances, as well as the correction of all wrongs, lies with the people themselves.

My object in offering this amendment, therefore, is to save to this House, save to the representatives of the people where that power belongs, absolute control over the question of taxation and the appropriation of money. That is a power that should be carefully preserved to this House to use at any and all times as it may deem best. But at the same time, while we are adopting rules, I would prevent the incorporation of general legislation on appropriation bills. The Appropriations Committee is not charged with the duty of originating and bringing before the House legislative measures. Its duty is to look to appropriations.

The amendment I propose gives to this committee the right and makes it in order in the House to propose to reduce in appropriation bills expenditures required under existing law, and to that extent to change the law, but to go no further than that in the direction of legislation. I think that is as it should be. The amendment offered by the gentleman from Georgia [Mr. SPEER] permits the reduction of expenditures, but not a change in the law. That would leave open the question of a deficiency. This amendment removes all doubt and makes clear, I think, the extent to which legislation can be ingrafted on appropriation bills. I hope the amendment will be adopted.

Mr. GARFIELD rose.

Mr. REAGAN. I desire to offer an amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Ohio, [Mr. GARFIELD.]

Mr. REAGAN. I thought I had obtained the floor.

The CHAIRMAN. The gentleman from Ohio is a member of the Committee on Rules, and in accordance with the practice heretofore has been recognized by the Chair.

Mr. GARFIELD. I am very sure no gentleman here on either side of the House would be willing to deceive any of his associates by a form of words or to do anything in the nature of coming it over another by a trick of speech. That I am sure nobody wants to do.

The only objection that was raised, as I understood, by the Speaker to the amendment that I offered was that it only allowed the reduction of amounts; but it might be it left a deficiency; that it did not change the law as to the reduced amounts. In so far that statement of the case was right. And here as I understand it we are offered an amendment with the intent just to cover that case. Now, I am willing to vote for an amendment that covers just that case, namely, to say that it shall be in order to reduce the amounts of money required by law and to that extent to change existing law. If this amendment does that I will vote for it; but my friend has got in the word "expenditures" instead of "amounts of money" as I think it should be.

Mr. WARNER. Are not amounts of money to be expended expenditures?

Mr. GARFIELD. Yes; but an expenditure is not always an amount of money. The gentleman proposes the words—

Except that it shall be in order to reduce expenditures provided for by existing law.

Now, I will offer a bill to abolish the present courts of the United States and establish a new judicial system, and in that I will provide that the new courts shall cost $10 less than the old. Have I not introduced a bill that will reduce the judicial expenditures?

Mr. WARNER. I will accept the gentleman's suggestion and make it "amounts of expenditure."

Mr. GARFIELD. "Amounts of money" is the proper phrase. Let the gentleman and let the House say it shall be in order to change existing law so far as to reduce the actual amounts of money.

Mr. WARNER. I will accept that amendment.

Mr. GARFIELD. If the gentleman will strike out the word "expenditures" and insert "amounts of money provided for by existing law," then I will vote for his amendment.

Mr. WARNER. I will accept that amendment.

Mr. SPEER. I will accept the amendment of the gentleman from Ohio [Mr. WARNER] in lieu of my amendment.

Mr. REAGAN. I rise to offer an amendment to the amendment.

Mr. SPEER. I withdraw my acceptance of the amendment of the gentleman from Ohio.

The CHAIRMAN. Since the gentleman from Georgia withdraws his acceptance of the amendment no further amendment is in order. The question is upon the adoption of the amendment proposed by the gentleman from Ohio, [Mr. WARNER,] as modified, as a substitute for the amendment proposed by the gentleman from Georgia [Mr. SPEER] to the amendment offered by the gentleman from Alabama, [Mr. LOWE.]

The Clerk will read the amendment of the gentleman from Ohio as now modified.

The Clerk read as follows:

Strike out all after the word "except" and insert:
That it shall be in order to reduce the amounts of money provided for by existing law and covered by the bill, and to that end only to change the law.

The CHAIRMAN. It has been suggested that the word "extent" be inserted instead of the word "end."

Mr. WARNER. Who makes that suggestion?

The CHAIRMAN. It has been made by several gentlemen.

Mr. WARNER. I see no objection to that. Let the Clerk make that change.

Mr. BAKER. I would like to hear the amendment as it now stands.

The amendment, as modified, was again read.

Mr. WARNER. I ask consent to add the words "on an appropriation bill."

Mr. ROBESON. I would like the gentleman to insert two or three words, so that it will read "to change the effect of existing law."

Mr. WARNER. I would like to know of the gentleman if changing a law is not changing its effect? [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. WARNER] as modified.

Mr. WARNER. I ask for tellers.

The CHAIRMAN. If there be no objection tellers will be ordered.

There was no objection; and the Chair appointed Mr. BLACKBURN and Mr. WARNER to act as tellers.

The committee divided; and the tellers reported that there were—ayes 124, noes 79.

So the substitute moved by Mr. WARNER for the amendment moved by Mr. SPEER was adopted.

Mr. BLACKBURN. I give notice that I shall call for the yeas and nays in the House.

The CHAIRMAN. The question is on the amendment as amended.

Mr. WARNER. My amendment has been agreed to?

The CHAIRMAN. The particular amendment of the gentleman from Ohio [Mr. WARNER] has been agreed to.

Mr. ROBESON. But that amendment has not yet been adopted as a part of the rules.

Mr. BLACKBURN. I move that the committee now rise.

The motion was agreed to upon a division—ayes 114, noes 34.

So the committee rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that, pursuant to the order of the House, the Committee of the Whole on the State of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules and had come to no resolution thereon.

Mr. BLACKBURN. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and five minutes p. m.) the House adjourned.

FEBRUARY 17, 1880.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Rules.

Mr. ATKINS. Before that motion is put I wish to ask the gentleman from Kentucky how much longer he supposes the Committee of the Whole will be engaged in the consideration of this report?

Mr. BLACKBURN. It is impossible for me to answer that question; but I will say I see no reason why this report should not be finally disposed of by to-morrow evening. And in order to hasten action on it, pending the motion that the House resolve itself into Committee of the Whole, I move that all further debate on clause 3, Rule XXI, which is now under consideration, be limited to twenty minutes.

Mr. GARFIELD. That is right.

Mr. ROBINSON. Will that cover all amendments to be offered hereafter?

Mr. BLACKBURN. All amendments to this clause, clause 3 of Rule XXI.

Mr. PAGE. I hope the gentleman will limit the motion to the amendments now before the committee.

Mr. BLACKBURN. I cannot agree to that. Unless we put some limit to the debate it will be simply interminable. We have had six weeks' debate on this report. I am sure the Committee on Rules have taken up no time unnecessarily, but it seems to me a six weeks' debate is enough. I propose there shall be twenty minutes more upon this one clause of this rule and all amendments pending thereto.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The clause under consideration of the Committee of the Whole is clause 3 of Rule XXI, and the pending question is on the amendment of the gentleman from Georgia [Mr. SPEER] as amended by the adoption of the substitute offered by the gentleman from Ohio, [Mr. WARNER.]

Mr. WHITE. Let the pending amendment be read.

The Clerk read Mr. SPEER'S amendment, as follows:

Strike out all after the word "order," in line 6 of clause 3, and insert "but it shall be in order to strike out any sum of money in an appropriation bill and insert a less sum."

And Mr. WARNER'S substitute therefor, adopted by the Committee of the Whole, as follows:

Except that it shall be in order to reduce the amounts of money provided for by existing law and covered by the bill, and to that extent only to change the law.

So that the clause, if amended by the adoption of Mr. WARNER'S substitute, would read:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except that it shall be in order to reduce the amounts of money provided for by existing law and covered by the bill, and to that extent only to change the law.

Mr. FINLEY. As I understand, the substitute offered by the gentleman from Ohio [Mr. WARNER] has been adopted by the Committee.

The CHAIRMAN. It has been agreed to as a substitute for the amendment proposed by the gentleman from Georgia; but the question still remains will the committee agree to this as a substitute for that part of the report.

Mr. SPEER. I wish to say that I hope the substitute will be adopted.

The CHAIRMAN. The question is not debatable. The question is on the adoption of the amendment as amended.

Mr. PAGE. I desire to enter my protest——

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. PAGE. I move to strike out the last word.

Mr. BLACKBURN. Any debate now will be under the operation of the order limiting debate.

The CHAIRMAN. By order of the House all debate on this paragraph and any amendments thereto is limited to twenty minutes.

Mr. PAGE. I desire to offer my protest against the adoption of the amendment of the gentleman from Ohio [Mr. WARNER] which has been adopted as a substitute for the amendment of the gentleman from Georgia, [Mr. SPEER.] In my judgment the rule if adopted in that form will be worse than the twenty-first rule as it now stands. I believe that under the operation of this rule, should it be adopted, it would be in order to strike out the appropriation for the Army of the United States or to reduce it to a certain amount, and thereby the law might be changed to correspond with such reduction.

Now, it has been decided by the gentleman who at present occupies the chair that unless a proposition showed upon its face that it did reduce expenditures it was not in order upon an appropriation bill.

It was decided by a former Speaker of this House, Hon. Mr. Kerr, of Indiana, that unless a provision reported in an appropriation bill, or presented as an amendment thereto, should show upon its face a reduction of expenditures, it was not in order upon an appropriation bill. The pending proposition, upon which the committee is now called to vote, if adopted, would make it absolute that an amendment reducing the amount of money provided for by law would be in order, and the law could be so amended as to correspond with that reduced amount of money appropriated. That would render certain what has been ruled by but one presiding officer, the gentleman from Kentucky [Mr. BLACKBURN] who now has charge of the report of the Committee on Rules. He is the only chairman of the Committee of the Whole of this House, so far as I know, who has decided contrary to three prior decisions by occupants of the chair.

The first of those decisions was made by the Speaker of this House on an amendment to a bill proposing to transfer the control of the Indian Bureau from the Interior Department to the War Department. That matter was thoroughly discussed in this House, and upon a point of order Hon. M. C. Kerr ruled the proposition out of order. In the Forty-fourth Congress the gentleman from Illinois, [Mr. SPRINGER,] while acting as chairman of the Committee of the Whole, ruled out a similar proposition on the appropriation bill; and the gentleman from Illinois, Mr. Eden, ruled on a proposition submitted by my colleague at that time, Mr. Wigginton, to abolish the offices of surveyors-general in the States and Territories, that the amendment was not in order, as it did not show upon its face that it would work a retrenchment of expenditures. And the present occupant of the chair, the gentleman from Kentucky, [Mr. CARLISLE,] in the Forty-fourth Congress made a similar ruling.

But in the last Congress the gentleman from Kentucky [Mr. BLACKBURN] reversed these rulings and did admit a proposition that provided for the abolition of the offices of surveyors-general in the different States and Territories, and which would have worked a thorough change in existing laws in reference to the public lands. That proposition was offered as an amendment to an appropriation bill, and the gentleman from Kentucky [Mr. BLACKBURN] ruled it in order.

With that exception it has been universally held under the present rule that no amendment of that kind was in order. Under the proposed change, now pending before the Committee of the Whole, the amendment, if adopted, will make absolute the rule that an amount of money provided by existing law may be changed to a less sum, and to that extent the law may be changed so as to conform to the reduced sum of money appropriated.

I am opposed to that, and I hope the Committee of the Whole will vote down the proposition of the gentleman from Georgia, [Mr. SPEER,] as amended by the adoption of the substitute offered by the gentleman from Ohio, [Mr. WARNER.] I infinitely prefer the present rule, with a fair construction of the rule, such as we have had on different occasions. I believe the minority of this House will be safer with the rules as they now stand than they would be with the amendment proposed by the gentleman from Ohio, [Mr. WARNER,] and therefore I hope that the amendment will be voted down.

Mr. BLACKBURN. I do not think the record will bear out the statement made by the gentleman from California, [Mr. PAGE,] who seems, instead of rising to discuss the amendment or the clause pending, to be actuated rather by a desire to indulge in a piece of criticism upon some ruling that I may chance to have made while occupying the chair. I do not believe the record will bear out the construction the gentleman gives to that ruling; I do not believe any such singularity of ruling will appear.

I certainly do not mean to reflect upon any ruling which may have been made by the Speaker of this House, by the present occupant of the chair, or by the gentleman from Illinois, [Mr. SPRINGER,] as they have been referred to. I simply desire to say that if at any time in the past I have made a ruling, or shall at any time in the future be fortunate enough to make one, which incurs the criticism of the parliamentarian from California, it will only strengthen my conviction of having been right in that ruling.

The question was taken upon the amendment of Mr. SPEER, as amended by the adoption of the substitute offered by Mr. WARNER; and upon a division there were—ayes 32, noes 80.

No further count being called for, the amendment, as amended, was not agreed to.

Mr. PRICE. Is an amendment now in order?

The CHAIRMAN. The Chair will hear the amendment and then decide.

Mr. PRICE. I move to add to clause 3 of Rule II that which I send to the Clerk's desk.

The Clerk read as follows:

Which retrenchment shall not be by inference, but shall in express terms specify on its face the amount of money to be saved by the amendment.

The CHAIRMAN. That amendment would be in order as a substitute for the amendment proposed by the gentleman from Alabama, [Mr. LOWE,] which is now pending. The Clerk will read the amendment proposed by the gentleman from Alabama.

The Clerk read the amendment of Mr. LOWE, which was to add to clause 3 the following:

Provided, however, That no provision or amendment of a partisan character shall be in order.

The CHAIRMAN. The amendment of the gentleman from Iowa

[Mr. PRICE] would be in order as a substitute for the amendment of the gentleman from Alabama, [Mr. LOWE.]

Mr. PRICE. I will move it as a substitute for that amendment, and ask that the Clerk read the third clause as it will be if the amendment which I have offered shall be adopted.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures, which retrenchment shall not be by inference, but shall in express terms specify on its face the amount of money to be saved by the amendment.

Mr. PRICE. The only object I have in offering that amendment is this: in the discussions upon this very point, whether the amendment was germane and whether it did retrench expenditures, the occupants of the chair at different times have decided differently. On the one side it would be alleged that such an amendment would decrease expenditures; and on the other side it would be affirmed that the amendment would not reduce expenditures.

My object in offering this amendment is simply to fix the matter definitely so far as this point is concerned, so that in every case and under all circumstances an amendment, to come within the rule, shall specify on its face, not by inference but in express terms, that expenditures are reduced and shall state the amount of the reduction.

Mr. FRYE. I wish to say but a single word. It was generally understood that the Committee on Rules were to meet for the consideration of this question, and that very likely they might agree upon something to take the place of these very amendments which have been proposed. I simply wish to say that the committee met last night, and adjourned at eleven o'clock without agreeing upon anything to take the place of Rule XXI; and they cannot agree.

Now, as only twenty minutes are allowed for debate, I desire to say that hereafter when there will be no opportunity for discussion, an amendment may be offered providing in effect that nothing shall be in order as an amendment on an appropriations bill unless it shall have been reported by a committee of this House. Now, I warn gentlemen of the House that this would be infinitely worse than the rule as it stands at present, because under that rule without any amendment we have only fifteen men who can set their busy brains at work to invent some sort of a political "rider" to put on an appropriation bill. But if such an amendment as I have indicated be adopted, authorizing every committee of this House to report amendments and providing that these amendments shall be in order, you simply declare that not fifteen merely, but every committeeman on the democratic side of this House, so long as the democratic party are in the majority here, may set his busy brain at work getting up some sort of "riders" for appropriation bills. If such a proposition is made, I trust it will be promptly voted down.

Mr. SPEER. I desire to offer an amendment.

The CHAIRMAN. No amendment would be in order at present, a two amendments are pending.

Mr. GARFIELD. I wish to say a single word on the pending amendment in reply to the gentleman from Iowa, [Mr. PRICE.] The object of that gentleman is manifestly good; but the language of his amendment makes it of no consequence whatever as an effective machine for preventing "riders." Under such a provision I can offer an amendment to the Army appropriation bill reorganizing the Army of the United States throughout, and can say in words as a part of my amendment that the clause thus added shall reduce the cost of supporting the Army $1,000. I can say in the amendment, "for the purpose of reducing the cost of supporting the Army $1,000, which is hereby done, the following shall be a part of the law." Thus my amendment reorganizing the whole Army or any other department of the service complies technically with the terms of the rule.

Now, in my judgment, we are in an attitude where one of three results must happen: either the rule must stand as now, with all its bad consequences; or the amendment of the gentleman from Georgia, [Mr. SPEER,] which mitigates largely the evil of the existing rule, will be adopted; or some middle proposition, like that of my colleague, [Mr. WARNER,] will be adopted, which, contrary to the opinion of my friend from California, [Mr. PAGE,] does, as I think, largely cut down the power of "riders," although not as much as many of us desire. I hope that under the present circumstances we shall get one good, fair chance to vote off altogether that clause of the rule which allows any change of existing law on an appropriation bill. That is the fair, plain, clear reparation of all difficulty. If we cannot do that, then the proposition of the gentleman from Georgia is the next best thing, and I hope we shall stick by it.

Mr. BLOUNT. It is the same thing.

Mr. SPFER. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPEER. What is the condition of the amendment I submitted?

The CHAIRMAN. It has been disposed of by the Committee of the Whole.

Mr. SPEER. So I understood, and therefore I desired to offer another amendment.

Mr. HURD. Mr. Chairman, I had not intended to take any part in this discussion until the amendment was proposed by my colleague [Mr. WARNER] to the proposition of the gentleman from Georgia, [Mr. SPEER]. The propositions, both of my colleague and the gentleman from Georgia, are full of danger. To ascertain the danger we must understand the legal situation upon which these propositions operate. This House is not now engaged in legislation, but in determining the rules which shall govern the proceedings incident to legislation. In doing this the House can undoubtedly regulate the methods to be pursued in the exercise of the other powers conferred upon it in the Constitution, but it cannot impair or destroy those powers.

The House originates appropriation bills or bills of revenue. The propositions of my colleague and of the gentleman from Georgia operate upon them. They declare, in substance, that no general nor political legislation shall be attached to appropriation bills

This would do if both Houses could originate bills of revenue; but the Constitution expressly declares that this power shall be exercised by the House of Representatives only. What does this mean? History incontestably demonstrates that this provision was inserted in the Constitution to give to the immediate representatives of the people the control of appropriations, to enable them to restrain executive authority, to secure redress of grievances, and to bring about the adoption of salutary measures of legislation. It was designed to authorize the House to say to the President that unless there was redress of the grievances of which it complained in a particular Department of the executive branch of the Government there should be no appropriation for such Department.

Such has been the use of a similar provision in the English constitution. For such uses has it been employed, I venture to say, by every House of Representatives of the Congress since the adoption of the Federal Constitution. Without such power resulting to the House, the language of the Constitution in this respect is meaningless. But such uses are impossible if general legislation be prohibited upon appropriation bills. The executive authority might approve the appropriation bill and veto the general legislation which contained the redress of grievances if they were presented to him separately. This, indeed, would always be the case when there was a dispute between the executive and legislative branches of government.

To adopt, therefore, the amendments of my colleague and the gentleman from Georgia is to surrender the power the Constitution gives, to abdicate the authority the House possesses to originate bills of revenue exclusively, and this, too, with the unlimited power of amendment of the House bills in the Senate. The propositions, therefore, not only destroy the power of the House to secure redress of grievances through appropriations, but practically make it an exclusive power of the Senate. All this I admit may be done by a constitutional amendment only, as has been already done by the many States to which the gentleman from Connecticut [Mr. HAWLEY] referred the other day. I deny that this result can be accomplished by the adoption of a mere rule, intended only for the regulation of the proceedings of the House.

But even if the power to redress grievances through appropriation bills might be taken away by a rule, it seems to me it would be unmanly in any House, under any circumstances, at any time, to so surrender it. It would be a confession that the majority was afraid to legislate, an admission of its own inability to meet questions as they arise, and a proclamation of its own inefficiency. It would be a voluntary binding of its own hands. It would be shrinking from the responsibilities of legislation which each member assumes when he accepts the certificate of his election and the majority assumes when it organizes the House.

But how utterly inexcusable it would be for the House of Representatives in this Congress in the present exigency to surrender this power! In the extra session we entered into a contest which we knew would be protracted. The power we assailed was intrenched behind past legislation and present executive authority. We knew that we could not win in a day. Thus far in the contest we have learned the value of our power to control the purse. Through it, and through it only, we have won impartial juries and shorn the Army of much of its dangerous power. And now in the midst of the conflict it is proposed to abandon the power which has given us the partial victory. Astounding proposition! Surrender of the colors in the face of the foe, abandonment of the vantage-ground in the heat of the fight, these are offenses rarely excused in military warfare. They are absolutely without justification here when we are engaged in a contest for the liberties of the people, when their voices are temporarily silent except as we utter them, and when we have their colors in our hands at our own solicitation.

For one, I insist that the democratic majority of this House shall stand impregnably upon the Constitution; that it shall exercise every power that instrument has conferred for the people; and that least of all and last of all shall it abate one jot or tittle of its authority over the purse until every vestige of military power shall have disappeared from the peaceful States of this Union. [Applause.]

[Here the hammer fell.]

Mr. WARNER obtained the floor.

The CHAIRMAN. The Chair will remind the gentleman from Ohio [Mr. WARNER] that of the twenty minutes allowed by the House for debate on this proposition only two minutes remain.

Mr. WARNER. I regret that I have not more time; I hope my time may be extended.

I wish to say, Mr. Chairman, that I repudiate as undemocratic the

doctrine that this House may rightly withhold appropriations from legitimate objects, necessary to the support of the Government, as a means of coercing the Senate or the executive branch of the Government.

Mr. FINLEY. I wish to ask the gentleman how he voted at the extra session on riders on appropriations. Did he not vote in favor of putting them on?

Mr. WARNER. I would vote again to reduce or, if need be, to shut off entirely an appropriation from a specific object for which I thought the appropriation ought to be reduced or stopped altogether, and to that end to change the law. That is a right this House clearly has, and I am the last member that would surrender that right. But to stop appropriations from objects about which there is no contention, as a means to compel compliance with some measure about which the majority of this House and the Senate or the Executive may differ, is quite a different proposition. Individual members may have so held and voted at the extra session, but the democratic party held to no such doctrine. It refused to take that position, and for one I will not be committed to it now.

The doctrine that we are to look to the Executive for a redress of grievances is utterly foreign to our system of Government. It was the old doctrine five hundred years ago or a hundred years ago that all powers of government were inborn in the king; and consequently when our forefathers got King John in a tight place they compelled him to give up some of his rights and vest them in the people, or rather, in certain great barons. In England it is true the people have said to the king time and again, "We will not let you have money; we will not levy taxes or give you revenues unless you will surrender to us some of the powers of government inherited by divine right, at least unless you will yield to us some privileges or secure to us some liberties." And this is consistent with the theory of the divine right of kings. But how utterly different our theory of government. With us government derives all its powers from the consent of the governed.

The President of the United States never possessed power not derived from the people, and I do not propose, myself, to recognize any other doctrine. All power in this country originates with the people. The Executive has no power, any more than this House has, except that which the people have given to him, and it is absurd to talk about compelling a redress of our grievances from that official. The people redress their own grievances in this country; and the President is as much responsible to the people as is the House of Representatives or Congress.

[Here the hammer fell.]

Mr. SPEER. I desire to offer the following as a substitute for the amendment of the gentleman from Alabama [Mr. LOWE] as sought to be amended by the gentleman from Iowa, [Mr. PRICE:]

But it shall be in order to strike out an amount of money appropriated in a bill and insert a less amount.

Mr. BLOUNT. I submit that this proposition is substantially the same thing that we have already voted on.

Mr. SPEER. It differs from the amendment heretofore offered.

Mr. BLOUNT. I submit that it is substantially the same.

Mr. GARFIELD. It is not identical.

Mr. BLOUNT. It is substantially so.

Mr. SPEER. The phraseology is different.

Mr. BLOUNT. But the idea is the same.

The CHAIRMAN. According to the present recollection of the Chair, this is the identical amendment proposed by the gentleman from Ohio and rejected in the committee when this question was last up.

Mr. GARFIELD. The Chair is mistaken. I said "sum of money," This is "amount of money," and markedly different.

Mr. TOWNSHEND, of Illinois. It is a difference without a distinction.

The CHAIRMAN. Will the gentleman from Ohio state that in his opinion this means anything different from the one he offered?

Mr. GARFIELD. That is for the House to judge. One is different; it is not identical, and that is what the rule turns on.

Mr. BLOUNT. I submit it to the Chair, and I do not think the Chair will have any difficulty in deciding it.

The CHAIRMAN. The Chair dislikes to pass upon the mere definition or significations of words when the committee is equally competent to do so. But it seems to the Chair this is identical——

Mr. GARFIELD. The rule is very clear that an identical proposition that has been voted down cannot be offered; but nothing is more common here in practice in the House than to strike out an unimportant word or make an unimportant change, and then it is in order.

Mr. BLACKBURN. Where does the gentleman find the word "identical" inserted in the rule?

Mr. GARFIELD. What is that?

Mr. BLACKBURN. I ask the gentleman from Ohio where he finds in any rule it must be identically the same proposition?

Mr. GARFIELD. I say the rule is so.

Mr. BLACKBURN. And I say there is no such word in the rule.

Mr. GARFIELD. A proposition consists of words, and if the words are the same it is the same proposition.

Mr. BLACKBURN. There is no such thing in the rules.

Mr. GARFIELD. And if it is not the same proposition it is in order.

Mr. REED. A proposition may be sometimes decided by the conclusion to which it would arrive if carried out. Now, if the proposition on the other side is carried out to its conclusion——

Mr. TOWNSHEND, of Illinois. I object to this debate if it is not in order, and it is not in order in my judgment, as we have already closed debate.

The CHAIRMAN. The Chair desires to hear gentlemen on this question of order.

Mr. REED. If the proposition on the other side is carried out to its legitimate conclusion it would make the Chairman the interpreter of the meaning of amendments, and that assuredly cannot be the object of any rule of this House. If the language is different, it is for the House to determine whether the meaning is the same or not, not for the Chairman. I submit there is no other rule consistent with proper deliberation on the part of an assembly like this.

Mr. BLACKBURN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACKBURN. Has the Chair ruled on the point of order raised by the gentleman from Georgia?

The CHAIRMAN. The Chair has intimated what his impression is, but has not made a final decision. The gentleman from Georgia, who offered the amendment, desires to be heard on it, and the Chair will hear him.

Mr. SPEER. It seems to me there is a difference in the amendment I offer from the one disposed of by the committee. The one which was disposed of is this: "But shall be in order to strike out any sum of money in an appropriation bill and insert a less sum." That was "sum of money in an appropriation bill." This is, "But it shall be in order to strike out an amount of money appropriated in a bill."

The CHAIRMAN. What is the difference between "a sum of money" and an "amount of money?"

Mr. SPEER. Of course, it is the same thing, but it is not the same proposition.

Mr. BLACKBURN. Precisely the same.

Mr. SPEER. I submit it is for the House to say whether it is the same proposition.

The CHAIRMAN. Of course it is for the House or the committee, as the case may be, in every instance to revise the ruling of the Chair.

Mr. GARFIELD. Will the Chair let me make a suggestion as to a very decided matter of substance of difference in these two propositions?

The CHAIRMAN. The Chair would like to hear the gentleman.

Mr. RANDALL, (the Speaker.) If the gentleman is to debate the proposition, I should like to have a minute.

Mr. GARFIELD. I am not going to debate the merits at all. One of these propositions relates to an appropriation bill as such, namely, any one of the twelve regular bills, and the other relates to any appropriation in any bill. One of them, therefore, applies to all bills, whatever their character, containing an appropriation, and the other is confined to the twelve appropriation bills. If the Chair will observe, they are substantially different propositions as well——

Mr. ATKINS. There are more than twelve appropriation bills. Sometimes we have half a dozen deficiency bills, and those are appropriation bills also.

Mr. BLACKBURN. I rise to a parliamentary inquiry. What effect had the order of the House limiting all debate upon the third clause of this twenty-first rule and all the amendments thereto to twenty minutes?

The CHAIRMAN. That relates to debate on the merits; but the Chair will hear discussion on the point of order. The Chair has listened to this discussion, as he is reluctant to take upon himself the authority of depriving the committee of the right to pass upon amendments; but the Chair is wholly unable to perceive any difference whatever between the words "amount of money" and "sum of money" in this connection. And as to the last point made by the gentleman from Ohio, this rule which is under consideration relates to general appropriation bills and to none other; and if this amendment were ingrafted, it would still refer only to the general appropriation bills. The Chair decides that the point of order is well taken, and hopes that any gentleman who excepts to the ruling will take an appeal from the decision of the Chair to the committee.

Mr. GARFIELD. With the utmost respect to the presiding officer I appeal from that decision.

The CHAIRMAN. The gentleman from Ohio takes an appeal from the decision of the Chair, and the question before the committee is, Shall the decision of the Chair stand as the judgment of the committee? The Chair would prefer to have a division of the House on this question.

Mr. GARFIELD. Very well; I demand tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. BLACKBURN were appointed.

The House divided; and the tellers reported—ayes 129, noes 100.

So the decision of the Chair was sustained.

Mr. SPEER. I move the following amendment.

The Clerk read as follows:

But it shall be in order to strike out an amount of money appropriated in any bill for any purpose, passed or pending, and insert a less amount.

Mr. BLACKBURN. I make the same point of order on that amendment.

Mr. BLOUNT. And besides it is not germane.

Mr. BLACKBURN. It is not germane. It is substantially the same proposition.

Mr. BLOUNT. That does not relate to appropriation bills.

Mr. SPEER. It does not allude to appropriation bills. It alludes to any bill before the House making appropriations.

The CHAIRMAN. Debate is not in order.

Mr. SPEER. This does not refer to appropriation bills only.

Mr. RANDALL, (the Speaker.) Then it is not germane.

Mr. SPEER. But it refers to any bill before the House appropriating money. I offer that substitute now, and I think it is in order, It is substantially different from the amendment disposed of by the committee.

Mr. BLACKBURN. I will not go on extending the time of discussion at all. I will put the gentleman from Georgia on his candor, and ask him whether it is not substantially the same amendment disposed of by this Committee of the Whole once, and ruled out of order by the chairman a second time, and the action of the Chair in that matter sustained by the committee?

In the first place, the point of order is made against the amendment of the gentleman because it is not germane to the subject that is embraced in this clause of the rule. In the second place, the point of order is made it is not in order because it is (and no one will undertake to deny it) substantially and identically the amendment which has been once already disposed of by this committee, and a second time offered and ruled out by the Chair, and that ruling sustained by a very decided majority of the committee.

Mr. REED. Mr. Chairman, I think it is a very fair index of the confusion of mind prevailing on this subject that the gentleman from Kentucky should speak of a "substantially identical amendment." I congratulate the House on having decided that striking out a word and inserting another is not an amendment, but I certainly hope they will not go to the extent of saying that striking out a half a dozen words and inserting others is not an amendment.

Mr. BLACKBURN. I do not see anything in that to reply to. [Laughter.]

Mr. HASKELL. The gentleman from Kentucky says it is substantially the same amendment as the other, but there is no such language in the rule which compels the chairman to rule out another amendment which is substantially the same.

Mr. BLACKBURN. I to not wish to compel the chairman to do anything.

Mr. HASKELL. But I desire to call the attention of the gentleman from Kentucky to this fact, that it has been the practice from time immemorial when a sum of money, say, for instance, $10,000 is named in a bill, for a gentleman to rise and move to amend it by making it $9,999.99½. There never was a legislative body on earth or a parliamentary law promulgated by any man which would not compel the recognition of that proposition as an amendment which would be in order, and yet it is substantially the same thing.

Now, here is an amendment differing in the construction of it even. Here is an amendment using entirely different words, and by what rule of parliamentary law is the Speaker of this House or the chairman of this committee to make himself a dictionary for the House? Does the rule say that it shall be substantially the same in order to rule it out? It says practically it shall not be the original one. Here is an amendment with five new words it. Who is to judge of the interpretation of those words? Who is to be the dictionary for the House of Representatives? Is it the Speaker or the chairman of the Committee of the Whole that is to determine the difference in the legal effect of the words employed in an amendment?

I ask the gentleman from Kentucky if the statement I have made is not true, that where the sum of $100 occurs in a bill, and $99.99 is moved as an amendment, such an amendment is constantly entertained? The gentleman has only to let his mind run back over his long legislative experience to call up dozens of instances where these slight and immaterial amendments have been ruled to be in order.

Mr. BLACKBURN. I do not see half a cent's difference between these two. [Laughter.]

Mr. FRYE. I desire to say but a word. I call the attention of the Chair to the proposition made by the gentleman from Kentucky. That gentleman says this is almost the identical amendment offered before. He says it ought not to be allowed; first, because it is not germane to the subject-matter; and, second, because it is identically the same amendment. Now, nobody claims that the other amendment was not germane. The gentleman objected to it, but did not use the word "germane" at all in reference to it. The Chair recognized the other amendment as germane. The gentleman from Kentucky knows the other amendment was germane. And yet he has discovered such a difference between that amendment and this, which he says are identical, that this amendment is not germane.

Mr. BLACKBURN. I do not intend to enter into any dispute with my colleagues on the Committee on Rules. The gentleman from Maine knows very well that he is straying away from the fold in what he is doing now But I wish to ask, does he not know the other amendment did not apply to all bills, but simply to appropriation bills?

Mr. FRYE. Yes; and therefore it is not the same amendment.

Mr. BLACKBURN. Does the gentleman not know that this amendment in being made to apply to all bills is not germane to the clause on which it is sought to ingraft it? I put the gentleman on his candor, and ask him if he was in the chair would he not rule this amendment out of order as not being germane to the pending clause?

Mr. FRYE. What I would do if in the chair I do not know.

Mr. BLACKBURN. I do.

Mr. FRYE. But I do know this, that if I was chairman of the committee from whose fold I am wandering, I would not insist, first, that the amendment is not in order, because it is the identical amendment offered before; and, second, that it is not germane because it is not the identical amendment.

Mr. BLACKBURN. I do not propose to argue the matter any further. I simply mean, in one sentence, to restate the objection I made in submitting the point of order. The amendment offered by the gentleman from Georgia [Mr. SPEER] is amenable to the criticism passed upon it in that it is not germane to this clause of the rule; and, in the second place, it is amenable to the criticism passed upon it for the reason that any part of it that is germane, or that could possibly be admitted as germane as an amendment to this clause of this rule, has already been passed upon, not once but twice, by the committee.

Mr. GARFIELD. I desire to say a single word, in the first place, on the question of germaneness raised by my friend from Kentucky. What is this rule we are acting upon to which he says the amendment is not germane? It is Rule XXI, entitled "On bills"—bills before the House of Representatives for action. The first and second clauses of this rule treat of certain features of bills. The third section is as to appropriation bills. The term "general appropriation bill" is used. But with a House of Representatives so addicted to retrenchment as this, if they object to applying the restrictions of this rule to any bills that have appropriations in them just because they are not general appropriation bills, they are making an exceedingly fine sight, in order to rule out this amendment on the point of germaneness.

In the next place, as to the identity of these propositions, the distinguished chairman of the committee seems to have ruled, and the gentlemen on the other side seem to have supported his ruling, that this House has no business to be consulted on a matter of style. I had supposed that, even if I approved the substance of a proposition, I had a right to rise and amend it in regard to its style or to suggest something about the grammar, something about rhetoric, something about words of many syllables or words of few syllables; and my friend from Georgia has now introduced a proposition that has at least five words different from the words of the other amendment. It may be with him a matter of style. I shall be sorry if Georgia cannot be permitted to have a voice on the floor of this House on a matter of style. This is one of the State rights I will defend. I have sometimes myself moved to strike out the last word, and I have known half a dozen other gentlemen move to strike out the same last word, and we have known that proposition to be voted on; but all at once an appeal is made to party discipline to prevent us from even correcting the style of an amendment. I think my distinguished friend in the chair will, on reflection, not rule that a change so important as that of five whole words is one which the gentleman from Georgia has not a right in his place as a member of the House to offer in the form of an amendment; and if we are acting on appropriations, then let us act on all appropriations, whether they be in any one of the twelve appropriation bills or any one of the two thousand other bills that appropriate money.

Mr. BLACKBURN. Will the gentleman allow me——

Mr. GARFIELD. Certainly. I am always ready to allow the gentleman almost anything he wants.

Mr. BLACKBURN. In order to make the gentleman's defense of the amendment now pending absolute and complete, will he allow me to read what he himself, as a member of the Committee on Rules, has very recently said in a unanimous report made accompanying this proposed revision of the rules?

Mr. GARFIELD. I think I remember it.

Mr. BLACKBURN. I will read it, with the gentleman's permission.

Mr. GARFIELD. I think it will be very good reading.

Mr. BLACKBURN. Here it is:

> Under the present rule "a bill or resolution pending before the House" may be moved as an amendment to a pending proposition, if germane, by simply changing a word or two in no sense important or material, thereby accomplishing indirectly what the rules prohibit doing directly, a species of parliamentary legerdemain that certainly ought not to be countenanced or permitted by a rule.

[Great laughter and applause.]

Mr. GARFIELD. That is very good; but in the pending amendment there is a change of five words, which is more than "parliamentary legerdemain."

Mr. ROBESON. Will the gentleman from Kentucky [Mr. BLACKBURN] allow me a moment?

Mr. BLACKBURN. Certainly I will.

Mr. ROBESON. Are we not now acting under the rule which you say in your report permits that very thing?

Mr. BLACKBURN. We are.

Mr. ROBESON. Then is not this the same as that which the gentleman admits is in order under the present rule?

Mr. BLACKBURN. By no means, for it is not a word or two; but, according to the statement of the gentleman from Georgia [Mr. SPEER] offering the amendment, it is either five or six words.

Mr. ROBESON. Will the gentleman permit me a minute?

Mr. BLACKBURN. Certainly.

Mr. ROBESON. I desire only to ask the gentleman whether that

is not the fault which the Committee on Rules finds with the present rules, and whether it is not conclusive that we have the right to make such an amendment as the rules now stand under which we are acting?

Mr. BLACKBURN. That would be the risk under the present rules, but not to the extent that this amendment goes.

The CHAIRMAN. The Chair thinks there is not very much difficulty about this question. The third clause of Rule XXI, as reported by the Committee on Rules, relates as it now stands to general appropriation bills alone. The amendments which have been offered heretofore, the one voted upon by the committee as well as the one which the Chair ruled out of order, did not propose to change the rule in that respect. But the amendment now sent up proposes to extend this provision to all bills which may appropriate money, and therefore in the opinion of the Chair it is quite different from the one heretofore offered and voted down, as well as the one offered and ruled out by the Chair.

Nor does the Chair think that he can rule this amendment out of order upon the ground that it is not germane to the particular clause under consideration. It is for the Committee of the Whole to say in what part of the reported revision of the rules it will insert any particular provision. The Chair can only rule a proposition out of order when in his opinion it is not germane to any part of the report of the Committee on Rules, or to any part of the subject-matter before the Committee of the Whole. The Chair therefore overrules the point of order and admits the amendment.

Mr. RANDALL, (the Speaker.) Is any debate allowable on this amendment?

The CHAIRMAN. The twenty minutes' time allowed by the House for debate on this clause and amendments thereto has expired.

Mr. RANDALL, (the Speaker.) I would like to have said a word. I wanted to say if I may be allowed to do so—— [Cries of "No!" "No!" on the republican side, and laughter.]

The CHAIRMAN. The amendment proposed by the gentleman from Georgia [Mr. SPEER] will be read.

The Clerk read as follows:

But it shall be in order to strike out an amount of money appropriated in any bill, for any purpose past or pending, and insert a less sum.

Mr. WARNER. I rise to make a parliamentary inquiry. Not having given particular attention—— [Cries of "Vote!" "Vote!"]

Mr. WARNER. I want to make a parliamentary inquiry, and I propose to make it.

The CHAIRMAN. Debate is not in order. [Renewed cries of "Vote!" "Vote!"]

Mr. WARNER. I do not propose to debate; I desire to inquire if an amendment to the amendment is in order?

The CHAIRMAN. Not at this time. The amendment proposed by the gentleman from Georgia [Mr. SPEER] is a substitute for the one proposed by the gentleman from Iowa, [Mr. PRICE.]

Mr. REED. Does that propose to strike out all of the third clause after the word "order?"

The CHAIRMAN. The proposition is to strike out all after the word "order," where it occurs in the last sentence of the third clause of Rule XXI, and insert what has been read by the Clerk. The question is upon the amendment of the gentleman from Georgia.

Mr. GARFIELD. Let us have tellers; we might as well have them first as last.

The CHAIRMAN. If there be no objection tellers will be ordered.

There was no objection, and Mr. SPEER and Mr. BLACKBURN were appointed as tellers.

The committee divided; and the tellers reported that there were—yeas 120, noes 121.

So the amendment of Mr. SPEER was not agreed to.

[Applause on the democratic side.]

Mr. ROBESON. I send to the desk an amendment which I desire to offer as a substitute for the amendment of the gentleman from Iowa, [Mr. PRICE.]

The Clerk read as follows:

Strike out all after the word "order," in the next to the last line of the third clause of the twenty-first rule; so that the last sentence of the clause will read:

"Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order."

The CHAIRMAN. This is an amendment to the text, not to the substitute now pending. It can be considered after the pending questions are disposed of.

Mr. ROBESON. I desire to offer it whenever it may be in order.

Mr. WHITE. I offer the following as a substitute for the amendment of the gentleman from Iowa, [Mr. PRICE:]

Strike out all after the word "order" and insert:

The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the different departments of the Government.

The CHAIRMAN was about to put the question on the amendment of Mr. WHITE, when

Mr. WHITE called for tellers.

Tellers were ordered; and Mr. WHITE and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 112, noes 117.

So the amendment of Mr. WHITE was not agreed to.

Mr. BAKER. I offer the following as a substitute for the amendment of the gentleman from Iowa, [Mr. PRICE:]

Strike out all after the word "order" and insert the following:

And that it shall not be in order to insert in any appropriation bill any provision changing existing law, except in reducing the amount of money to be appropriated.

Mr. BLOUNT. I submit that substantially this amendment has been voted on.

The CHAIRMAN. The Chair thinks that this is a different proposition in some respects from any amendment yet voted on.

Mr. STEPHENS. I call for tellers on agreeing to the amendment.

Tellers were ordered; and Mr. BAKER and Mr BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 111, noes 120.

So the amendment of Mr. BAKER was not agreed to.

Mr. UPDEGRAFF, of Ohio. I move that the committee rise.

Mr. BLACKBURN. I ask what amendments are now pending?

The CHAIRMAN. The two pending amendments are that of the gentleman from Alabama [Mr. LOWE] and the substitute therefor offered by the gentleman from Iowa, [Mr. PRICE.]

Mr. BLACKBURN. We evidently cannot to-day get through the amendments which gentlemen desire to offer to this clause; so the committee may as well rise.

The motion of Mr. UPDEGRAFF, of Ohio, was agreed to, there being—ayes 135, noes 20.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole had had under consideration the revision of the rules, and had come to no resolution thereon.

FEBRUARY 19, 1880.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House now resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The pending question is on the substitute proposed by the gentleman from Iowa [Mr. PRICE] for the amendment of the gentleman from Alabama, [Mr. LOWE,] which the Clerk will read.

The Clerk read as follows:

At the end of paragraph 3 insert the following: "which retrenchment shall not be by inference, but shall in express words specify on its face the amount of money to be saved by the amendment."

The amendment to the amendment was disagreed to.

Mr. WARNER. If in order I desire at this time to offer the following as an amendment to the pending amendment.

Mr. PAGE. I should like to have the original amendment read to which this is offered.

The amendment of Mr. LOWE was read, as follows:

Provided, however, That no provision or amendment of a partisan character shall be in order.

Mr. WARNER. Now read my amendment to that amendment.

The Clerk read as follows:

Strike out all after the word "order" and insert, "except it shall be in order to reduce the expenditure of money authorized or required by such existing law and covered by the bill and to change the law only to the extent necessary to make it conform to such reduction.

The CHAIRMAN. That will be in order if offered as a substitute for the motion to strike out and insert the words proposed by the gentleman from Alabama.

Mr. WARNER. I offer it as a substitute for the amendment of the gentleman from Alabama.

Mr. STEPHENS. Mr. Chairman, I ask permission of the committee to be heard on this subject for ten minutes.

The CHAIRMAN. Debate on the pending clause and all amendments thereto was limited by order of the House to twenty minutes, and that twenty minutes have expired.

Mr. ROBESON. I move the gentleman be allowed to speak by unanimous consent.

The CHAIRMAN. If there be no objection the Chair will interpose none.

Mr. BLACKBURN. I am certainly the last man who would offer any objection to the gentleman from Georgia being heard on this or any other subject which he chose to speak on, but is it in the power of the committee to change the order of the House? I am trying to get a vote on these rules under an order of the Committee on Rules. The House has limited debate to twenty minutes, and that time has expired. I do not understand it is competent for the Committee of the Whole, even by unanimous consent, to rescind that order of the House.

The CHAIRMAN. Of course the committee cannot rescind or change in any respect the order of the House.

Mr. STEPHENS. Except by unanimous consent.

The CHAIRMAN. The only way the committee could do it would be not to raise a question of order against the gentleman from Georgia.

Mr. LOWE. If no objection is raised to the gentleman from Georgia——

The CHAIRMAN. But the gentleman from Kentucky has raised the question of order.

Mr. LOWE. Does the gentleman from Kentucky raise the point of order against the gentleman from Georgia?

Mr. BLACKBURN. The gentleman from Kentucky means just this: If further debate is to be had on this rule it cannot be limited to any one gentleman. We will have to rescind the order of the House limiting debate altogether or else we must execute that order.

The CHAIRMAN. The question, then, is on the adoption of the amendment to the amendment proposed by the gentleman from Ohio.

Mr. SPEER. I move the committee rise for the purpose of extending debate, so the gentleman from Georgia may be heard. This House has never failed to do itself an injustice when it refused to hear the gentleman from Georgia.

Mr. BLACKBURN. I do not understand, Mr. Chairman, it is proper and I deny the propriety of thrusting anything of a personal character into the matter just now pending here. The disclaimer I made was sufficiently broad to protect the objection from any such criticism. I shall oppose any extension of the time for debate on this rule.

Mr. SPEER. I insist on my motion.

The CHAIRMAN. Perhaps the Chair will be pardoned for suggesting to the gentleman from Georgia under the circumstances, even if the committee should rise the time could be extended in the House only by unanimous consent as there was a motion to reconsider, and that motion was laid upon the table.

Mr. BLACKBURN. I shall object.

The CHAIRMAN. Does the gentleman still insist?

Mr. SPEER. As the gentleman from Kentucky notifies me he will object, of course I shall not insist.

The CHAIRMAN. The question, then, is on the amendment to the amendment of the gentleman from Ohio, [Mr. WARNER.]

Mr. HOOKER. I ask for the reading of the amendment to the amendment.

Mr. CONGER. I wish to make a motion. If the majority of the House desire it, I move the committee rise for the purpose of then moving that the House go into the Committee of the Whole on the state of the Union generally.

Mr. HOOKER. Let the amendment be read.

The CHAIRMAN. The amendment to the amendment will be read.

Mr. WARNER'S amendment to the amendment was again read.

Mr. PAGE. I make the point of order on that amendment.

Mr. HOOKER. So do I. I have not heard it hitherto. I make the point that the committee has voted substantially on that already.

The CHAIRMAN. The Chair will consider the point of order made and pending, but the first question is on the motion of the gentleman from Michigan that the committee rise, announcing it as his purpose when the committee gets into the House to move that the House resolve itself into the Committee of the Whole on the state of the Union generally.

Mr. CONGER. For the purpose of hearing the remarks proposed to be made by the gentleman from Georgia, [Mr. STEPHENS.]

The question being taken on Mr. CONGER'S motion, there were—ayes 92, noes 87.

Mr. BLACKBURN. I call for tellers.

Mr. ROBESON. I rise to a parliamentary question. I want to know, for my own information and the information of the House, whether, if the motion prevails in the House to go into Committee of the Whole on the state of the Union generally, that will simply operate so as to allow the gentleman from Georgia [Mr. STEPHENS] to speak, and no longer than that detain the action of the House in again going into Committee of the Whole to consider the revision of the rules?

The CHAIRMAN. That is not a parliamentary question, or one which can be properly addressed to the Chair.

Mr. BLACKBURN. To save time, I rise to a parliamentary inquiry. Suppose this motion should prevail, would it not require unanimous consent to resolve the House into Committee of the Whole on the state of the Union generally?

The CHAIRMAN. The Chair thinks not.

Mr. BLACKBURN. Very well; I call for tellers.

Mr. CONGER. I had hoped the gentleman who had charge of the rules of the House would have been able to give us that information himself.

Mr. BLACKBURN. The gentleman who has charge of the report on the rules will give the gentleman from Michigan that information at the proper time, and a good deal more, if he will only listen patiently.

Mr. CHALMERS. I rise to a parliamentary inquiry. I desire to know if the House resolve itself into Committee of the Whole on the state of the Union, whether those gentlemen who are down on the list to speak will not be first recognized.

The CHAIRMAN. That will be a question for the Committee of the Whole on the state of the Union, if the House should resolve itself into that committee.

Mr. CHALMERS. I believe that my name stands first on the list.

Mr. ROBESON. I hope we will go into the Committee of the Whole on the state of the Union notwithstanding that. [Laughter.]

Mr. WEAVER. I desire to say I am on the list and will willingly resign in favor of the gentleman from Georgia.

Mr. HOOKER. I believe tellers have been demanded. I hope we will be allowed to have them.

Tellers were ordered; and Mr. BLACKBURN and Mr. CONGER were appointed.

The committee again divided; and the tellers reported—ayes 101, noes 99.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. CONGER. I move that the House resolve itself into Committee of the Whole on the state of the Union generally. My object is to allow the gentleman from Georgia to address the committee.

Mr. DAVIS, of North Carolina. I rise to a question of order. In submitting a motion that the House resolve itself into Committee of the Whole on the state of the Union a gentleman has not the right to state the object he has in making the motion.

Mr. CONGER. That has been done many times in the House when gentlemen have moved that the House resolve itself into Committee of the Whole.

The SPEAKER. The statement of the object is not in order. The Chair will submit the motion. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union generally.

Mr. BLACKBURN. Is it in order by way of amendment to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the report of the Committee on Rules?

The SPEAKER. The same object can be arrived at by voting down the motion of the gentleman from Michigan.

Mr. BLACKBURN. Have I not the right to offer the motion I have indicated as a substitute for the motion of the gentleman from Michigan?

The SPEAKER. The Chair was bound to recognize the gentleman from Michigan; and the Chair thinks the motion made by that gentleman is not amendable. The remedy is to vote it down.

Mr. BLACKBURN. Then I call for the yeas and nays on the motion of the gentleman from Michigan.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 115, not voting 60; as follows:

YEAS—117.

Aldrich, N. W.	Felton,	Martin, Joseph J.	Russell, W. A.
Aldrich, William	Field,	Mason,	Sapp,
Anderson,	Fort,	McCoid,	Shallenberger,
Bailey,	Frye,	McKinley,	Smith, A. Herr
Baker,	Garfield,	Miles.	Speer,
Ballou,	Gillette,	Miller,	Starin,
Barber,	Godshalk,	Mills,	Stone,
Belford,	Hall,	Mitchell,	Thomas,
Bingham,	Hammond, John	Monroe,	Thompson, W. G.
Bowman,	Harmer,	Morton,	Tillman,
Brewer,	Harris, Benj. W.	Murch,	Townsend, Amos
Briggs,	Haskell,	Neal,	Tyler,
Brigham,	Hawk,	Newberry,	Updegraff, J. T.
Browne,	Hawley,	Norcross,	Updegraff, Thomas
Burrows,	Hayes,	O'Neill,	Valentine,
Butterworth,	Hazelton,	Orth,	Van Aernam
Calkins,	Heilman,	Osmer,	Van Voorhis,
Cannon,	Henderson,	Overton,	Voorhis,
Carpenter,	Horr,	Pacheco,	Ward,
Caswell,	Hubbell,	Page,	Warner,
Claflin,	James,	Persons,	Washburn,
Conger,	Jones,	Pierce,	Weaver,
Cowgill,	Keifer,	Pound,	White,
Crapo,	Kelley,	Prescott,	Williams, C. G.
Daggett,	Killinger,	Price,	Willits,
Davis, George R.	Lapham,	Reed,	Wood, Walter A.
Deering,	Lindsey,	Rice,	Young, Thomas L.
Dunnell,	Loring,	Robeson,	
Errett,	Lowe,	Robinson,	
Farr,	Marsh,	Russell, Daniel L.	

NAYS—115.

Acklen,	Clardy,	Finley,	Kimmel,
Aiken,	Clark, John B.	Forney,	King,
Armfield,	Clymer,	Frost,	Kitchin,
Atherton,	Cobb,	Geddes,	Klotz,
Atkins,	Coffroth,	Goode,	Knott,
Bachman,	Colerick,	Gunter,	Ladd,
Beale,	Converse,	Hammond, N. J.	Le Fevre,
Beltzhoover,	Cook,	Harris, John T.	Lewis,
Berry,	Covert,	Hatch,	Manning,
Bicknell,	Cox,	Herbert,	Martin, Benj. F.
Blackburn,	Cravens,	Herndon,	McKenzie,
Blount,	Culberson,	Hill,	McMahon,
Bouck,	Davidson,	Hooker,	McMillin,
Bragg,	Davis, Joseph J.	Hostetler,	Morrison,
Bright,	Davis, Lowndes H.	House,	Morse,
Buckner,	Dibrell,	Hull,	Myers,
Cabell,	Dickey,	Hunton,	New,
Caldwell,	Dunn,	Hutchins,	Nicholls,
Carlisle,	Ellis,	Johnston,	O'Connor,
Chalmers,	Evins,	Kenna,	O'Reilly,

Philips,	Shelley,	Steele,	Vance,
Phister,	Simonton,	Stevenson,	Waddill,
Reagan,	Singleton, J. W.	Talbott,	Wellborn,
Richardson, J. S.	Singleton, O. R.	Taylor,	Wells,
Robertson,	Slemons,	Thompson, P. B.	Williams, Thomas
Rothwell,	Smith, Hezekiah B.	Townshend, R. W.	Willis,
Ryan, John W.	Smith, William E.	Tucker,	Wilson,
Sawyer,	Sparks,	Turner, Oscar.	Wood, Fernando.
Scales,	Springer,	Upson,	

NOT VOTING—60.

Barlow,	Einstein,	Joyce,	Ross,
Bayne,	Elam,	Ketcham,	Ryan, Thomas
Blake,	Ewing,	Lounsbery,	Samford,
Bland,	Ferdon,	Martin, Edward L.	Sherwin,
Bliss,	Fisher,	McCook,	Stephens,
Boyd,	Ford,	McGowan,	Turner, Thomas
Camp,	Forsythe,	McLane,	Urner,
Chittenden,	Gibson,	Money,	Wait,
Clark, Alvah A.	Henkle,	Muldrow,	Whiteaker,
Crowley,	Henry,	Muller,	Whitthorne,
Davis, Horace	Hiscock,	O'Brien,	Wilber,
De La Matyr,	Houk,	Phelps,	Wise,
Deuster,	Humphrey,	Poehler,	Wright,
Dick,	Hurd,	Richardson, D. P.	Yocum,
Dwight,	Jorgensen,	Richmond,	Young, Casey.

So the motion of Mr. CONGER was agreed to.

During the call of the roll the following announcements were made:

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. JOYCE, of Vermont; and my colleague, Mr. MULDROW, is paired with Mr. DWIGHT, of New York.

Mr. ROBERTSON. My colleague, Mr. ELAM, is paired with Mr. DICK, of Pennsylvania.

Mr. BUCKNER. I should vote "no" on this motion if I were not paired with Mr. CHITTENDEN, of New York.

Mr. WISE. I would vote "no," if I were not paired with Mr. HOUK, of Tennessee.

Mr. WILLIS. My colleague, Mr. THOMAS TURNER, is paired with Mr. MCGOWAN, of Michigan.

Mr. CABELL. I desire to announce that Mr. Ross, of New Jersey, is paired with Mr. FISHER, of Pennsylvania.

Mr. LOUNSBERY. I am paired with my colleague, Mr. MCCOOK; if he were present, I should vote "no."

Mr. TOWNSHEND, of Illinois. I desire to announce that Mr. EWING, of Ohio, is paired with Mr. RYAN, of Kansas.

Mr. ROBINSON. Mr. MULLER is paired with Mr. WAIT, of Connecticut.

Mr. HISCOCK. On this question I am paired with my colleague, Mr. BLISS.

Mr. CROWLEY. I am paired with Mr. O'BRIEN, of New York.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. BLAKE. I am paired with my colleague, Mr. Ross.

Mr. MCGOWAN. I am paired on all political questions with Mr. THOMAS TURNER, of Kentucky. This question having taken a political turn, I decline to vote.

Mr. BAYNE. I am paired with Mr. MARTIN, of Delaware. If not paired, I should vote "ay."

Mr. DAVIS, of California. I am paired on all political questions with Mr. HENKLE, of Maryland.

Mr. BOYD. I am paired with Mr. HENRY, of Maryland; if he were present, I should vote "ay."

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with my colleague, Mr. URNER; and my colleague, Mr. HENRY, is paired with Mr. BOYD, of Illinois.

Mr. KLOTZ. I desire to vote.

Mr. CONGER. I wish the Chair would ask the gentleman if he was within the bar before the last name on the roll was called.

Mr. KLOTZ. I was in the Hall during the call of the roll.

The SPEAKER. The gentleman states that he was within the Hall, but outside of the railing.

Mr. CONGER. I suppose the rule would be the proper guide.

The SPEAKER. That is the rule and the practice.

The name of Mr. KLOTZ was then called, and he voted in the negative.

Mr. PHELPS. I ask leave to vote; I was not in during the roll-call.

Mr. CONGER. I object.

Mr. POEHLER. I ask leave to vote.

Mr. CONGER. I object.

Mr. WHITEAKER. I ask leave to vote.

The SPEAKER. Is there objection?

Mr. CONGER. There is objection.

The result of the vote was then announced as above stated.

Mr. BLACKBURN. I move to reconsider the vote by which the motion of the gentleman from Michigan [Mr. CONGER] was agreed to.

Mr. CONGER. And I move to lay that motion on the table.

Mr. BLACKBURN. And on that motion I call for the yeas and nays.

Mr. CONGER. How did the gentleman vote?

Mr. SPEER. I rise to a point of order.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] has not the right to make the motion to reconsider, if it is questioned.

Mr. BLACKBURN. My right to make that motion was not questioned; and it was covered by the motion of the gentleman from Michigan to lay the motion to reconsider on the table, and on that motion I have demanded the yeas and nays, and the Speaker has recognized that demand.

The SPEAKER. The Chair certainly recognized the gentleman, but the Chair will never take advantage——

Mr. GARFIELD. I rose to make the point of order.

The SPEAKER. Does the gentleman from Ohio [Mr. GARFIELD] say that he rose for that purpose?

Mr. GARFIELD. I rose for that purpose, and intended to make the point the first moment I could get the attention of the Chair.

The SPEAKER. The Chair recognizes the fact that the gentleman rose.

Mr. CONGER. I desire to say that I did not dream a gentleman having charge of the rules would undertake to made a motion he had no right to make.

Mr. BLACKBURN. There are many things in this world that the gentleman has never dreamed of, but which he ought to know. I made a motion to reconsider. Nobody questioned my right to do it. The gentleman from Michigan recognized my right in moving to lay the motion on the table. On his motion I demanded the yeas and nays. [Cries of "Regular Order."]

The SPEAKER. The regular order is for members to keep order.

Mr. FINLEY. I rise to a parliamentary inquiry. I desire to ask the Chair whether it would be in order for me to change my vote with the view to move to reconsider.

The SPEAKER. The gentleman from Ohio [Mr. FINLEY] asks leave to change his vote. Is there objection?

Several members objected.

The SPEAKER. The Chair did recognize the gentleman from Kentucky, no one objecting, and submitted his motion; the demand for the yeas and nays was also submitted. But the Chair accepts the statement of the gentleman from Ohio [Mr. GARFIELD] that he rose to object to the gentleman from Kentucky making the motion to reconsider.

Several MEMBERS. But he did not do it.

The SPEAKER. Whether he did it or not, the Chair takes the gentleman's word.

Mr. PAGE. I was on my feet myself to object.

The SPEAKER. On the vote just taken the ayes have it; and the House determines to go into Committee of the Whole on the state of the Union generally. The gentleman from Illinois [Mr. SPRINGER] will take the Chair.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

Mr. CONGER and Mr. BLACKBURN addressed the Chair.

Mr. CONGER. I claim the right to the floor because it was on my motion that the House went into Committee of the Whole.

The CHAIRMAN. The Chair desires to make a statement.

Mr. GARFIELD. The Chair has the floor.

The CHAIRMAN. The Chair requests gentlemen to take their seats and be in order.

Mr. CONGER. I rise to a point of order.

The CHAIRMAN. The Chair desires to announce that the House is now in Committee of the Whole on the state of the Union for general debate. The Chair recognizes the gentleman from Michigan [Mr. CONGER] who made the motion to go into Committee of the Whole.

REVISION OF RULES.

Mr. CONGER. Mr. Chairman, I made this motion in the interest of free speech. [Laughter and applause.] I desired, as others on this side of the Chamber did, the opportunity to hear the views of a distinguished gentleman of this House from Georgia [Mr. STEPHENS] whose legislative experience, whose familiarity with the rules of this House, dates back to a time when the fierce democracy of the other side believed in free speech, in free discussion, in fairness, the old, hard-fisted Jacksonian democracy of whom we have before us still a living representative, thank God. [Applause.]

Sir, if in the progress of events in this country it happens that that democratic party once so honored, once so respected, once so esteemed, once embracing so large a portion of all the people of the United States of all sections and all regions, has slipped its moorings—if it has been wandering for years upon unknown seas of adventure—if it has forgotten the principles of Jefferson and Madison and Monroe and Jackson, what a glorious thing it is for the country that there still lives and breathes in our midst, with memory unimpaired, with all his intellectual vigor intact, an old representative of the democracy of those days, then a whig, [laughter and applause,] then acting with the whig party, true to the Constitution, but upholding the Jeffersonian ideas of democracy, [laughter and applause,] and to-day acknowledged by all true democrats as a representative of the old-time democracy, honored by them as such, elected by them as such, having brought into the fold the ark of the covenant of whiggery, and placed it in democratic hands. [Laughter and applause.] How fortunate for all of us—and I address myself to my young compatriots of the democratic party—how fortunate for the old representatives of the whig party, how fortunate for the old representatives of the Jeffersonian and Jacksonian democracy, that the ark of the covenant is still held by the gentleman from Georgia, and that he can tell us what the democracy was in the earlier days, what it was

when the whig party became the depository of its principles, how he has borne that ark along down through all these scenes of revolution and rebellion, all these driftings of parties, and is ready to present it here to-day.

Sir, is it not wonderful that modern democrats refuse to hear this venerable statesman? I know his sentiments; I know his views; I have read them in his published books. Why should the democracy refuse to listen to him? Yet we have the unwonted spectacle to-day of a refusal to hear, even upon the subject of rules, the gentleman from Georgia! Sir, my friends around me at present, the only living representatives in this House of free speech and fair play, joined by gentlemen from Georgia and by a few others from that side of the House, have at last brought us to a position where my friend may speak.

Mr. STEPHENS. Mr. Chairman——

Mr. CONGER. Where the gag is removed from him. And now, sir, with pleasure exceeding that which I have words to express, [laughter,] yielding to the earnest willingness of my friends on this side of the House, yielding to the earnest willingness of the young democracy, even from Kentucky, on that side of the House [laughter] to hear again the old words of democracy from the old and eloquent expounder of their doctrines, I yield as much of my hour as the gentleman from Georgia may desire to occupy. [Laughter and applause on the republican side of the House.] I will give the gentleman all of the hour he may wish, and then I will resume the floor. [Laughter.] If there be any time left I would like to have it. I should like to reply a moment or two after he gets through.

Mr. STEPHENS. I will yield the floor before the expiration of the hour.

Mr. CONGER. I would like to have a moment or two to reply to what the gentleman may say.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I am certainly under obligation to the gentleman from Michigan, and to the House, for the privilege of addressing them on this occasion. It was not my purpose in committee before, nor is it my purpose now to speak of the history of parties, democrat or whig, of their principles or my connection with their organizations. I will take occasion, however, to say that my party attachment from the time I entered public life and as long as I shall continue on earth, is as strong and earnest to party, in its right sense, perhaps, as any other who ever lived; I mean to party founded on principle, not to party organization merely. Organizations are ephemeral; principles are incorruptable and live forever. I was reared in the Jeffersonian school of democracy, in which I have lived and moved and had my being, and in it I shall die. Organizations in all things human tend to corruption, and as much so in political party organizations as others.

Now, sir, I did wish to say a few things on Rule XXI and the amendment offered by the gentleman from Ohio, [Mr. WARNER,] without taking into view, however, the question of party organization on this or the other side of the House. It was upon the great principle which I think involved in the amendment. I take this occasion, as my time is not so much limited as it would have been, to say I have taken a deep and profound interest in this codification of the rules. I think I may assume that I have labored as hard in season and out of season to put the system reported to this House in its present shape as any member of that committee. I had not in the discussion of the report consumed but five minutes of the time of the House. The Committee of the Whole had discussed it fully for months—every other member of the Committee on the Revision of the Rules had been heard repeatedly; and, therefore, I did trust I might be permitted ten minutes to give my views on this very important amendment. It is indeed important in my view. The general system reported does certainly embody great improvements. It has simplified, it has codified, it has rendered intelligible the rules of our Government in legislation, and if adopted by the House will accomplish great good. I think I may assume this.

Sir, I said in the five minutes I had before that in the committee on the revision of the rules the first thing done was the adoption of a resolution that we should not report any rule, or any change in existing rules when there was not perfect unanimity in the committee. I mean, that we should not touch any one of the existing rules which did not receive the sanction of every member of the committee; that is, we should touch nothing except by unanimous consent of the committee. This was on my motion. On Rule XXI, as reported, there was diversity of opinion. The committee therefore left it just as we found it.

Now, Mr Chairman, suppose the House should do the same; of the opposite side of the House I would ask: Are they worsted? Because if you defeat all these rules, we stand, so far as Rule XXI is concerned, just as we are—with the rules of the House as they now are.

I was opposed to that Rule XXI as reported, individually. The right was reserved to us all to oppose its adoption as it stands. Every member of the committee, by mutual agreement, could move any amendment he pleased, or speak or vote against any part of the report which was not carried by unanimity. I was opposed to this rule as it stands in our present system. And why? I do not believe, according to democratic doctrine, Jeffersonian, Madisonian, Jacksonian, and Jeffersonian republicanism also, that it was ever intended that appropriation bills should be encumbered by any other legislation than appropriations. [Applause on the republican side.] Never, sir! If there has been any progress in this country in legislation, it has been in precluding from appropriation bills the incorporation of matters upon them as riders. The gentleman from Ohio, [Mr. HURD,] if I understood him correctly, the other day said that it was the democratic doctrine to seek redress of grievances by withholding appropriations, standing upon British precedents.

If that be his position—and I so understood it—I repudiate it *toto cælo*. [Applause on the republican side.] Never was there any such doctrine announced in any authorized democratic creed I ever heard of. It has its origin in a monarchical government where there is no written constitution. This doctrine came from England. Withholding appropriations there has been, and is to-day, a legitimate mode of seeking redress of grievances, because that is a monarchy. Powers are not divided there as here. We live under a government founded upon a written constitution; we live in a free representative republic. Here sovereignty does not reside in a crown. There (in England) all sovereign powers are considered as inherent in the Crown; and the Commons, the representatives of the people, for centuries in granting supplies, which is their right, have held the power in their hands to withhold them until their grievances have been redressed. In this way the petition of right, if you please, *habeas corpus*, or any other of the great and essential rights of British subjects were secured, from Magna Charta down, and of which American citizens may well be proud to-day.

But, sir, we live under a different form of government. Ours is a written constitution. We present to the world a system of government unknown in the annals of history. Our sovereign powers are all held in trust—none are inherent in those who exercise them; they are divided into three departments, the legislative, executive, and judicial, each separate, co-ordinate, and coequal departments, each one within its own sphere exercising that class of sovereign powers delegated to it. Under our Constitution the powers delegated to Congress (the legislative department) are specified and enumerated. The powers delegated to the President—the executive—are specified and enumerated. The powers delegated to the judiciary are specially enumerated—all limited and all equally sovereign within their respective spheres under that fundamental law, the Constitution of the United States. Redress of grievances is not provided for in our Constitution by withholding the necessary supplies to carry on the machinery of government as established. The redress of grievances in this country, the repeal of obnoxious laws or other wrongs, is through the peaceful instrumentalities of the organic law, first by an appeal to the legislative body to take off any oppressive burden. The next is to the judiciary—to the courts. And the last to the ballot-box, to the masses of the people at the polls.

Under our written organic law there are no inherent or hereditary rights in the Executive, in members of the Senate or the House, or any other officer of the Government. With us two years is the limit of our service in the House. It is six years in the Senate and four years for the Executive. But, mark you, in the Constitution of the United States the Executive has the same power—rightful power, constitutional power—to veto a bill that we have to pass it. It is his constitutional right to do so if he sees fit.

Now, then, if the House or if Congress should set up a new doctrine of so loading an appropriation bill with a repeal of laws which we do not like—many of them I do not like—but if we do that with a view to seek redress by waging a war upon the veto or the constitutional exercise of it by the Executive, I ask the House and this country, not if it be democracy or republicanism, but is it not anti-constitutional? I state that the President has as much right to veto as we have to pass. Then, as to this veto power, it has from the beginning been, as I understand it, a democratic doctrine to sustain, uphold, and maintain it. The only war waged against it was by those old whigs to whom the gentleman from Michigan alluded. I did belong to that organization under the lead of the gifted Clay—*clarum et venerabile nomen*. His is one of the few immortal names that were not born to die. But exercising that independence of thought and action which I do to-day, I disagreed with him and his organization at that time on that point or article in his creed. But where stood the entire democratic party organization of that period, if I should be disposed to say anything about party politics on this occasion? They stood solid, North and South, in maintaining the Constitution as it was. When and where has the democratic party—the true Jeffersonian democracy, to which then and now I belong—ever changed their position on this subject? In this creed I was born and reared, and in it I will die. Whoever may make departures from it can do so, but I never shall. I shall still cling to the ark of the covenant of our fathers and the time-honored creed of Jeffersonian democracy and old Jeffersonian republicanism.

But, Mr. Chairman, it was not my purpose to refer to that old political history. I want to speak of our rules. I want these rules which we have passed, and which we are now considering, not to be made or shaped with any view to the advantage or disadvantage of one party or another. In forming the fundamental law, constitutional or other organic law, all wise and true men should look to that system which will work best for the maintenance of right and justice in the great future. It is immaterial which party is in power. I am, as I have said, against all political riders, so called, upon appropria-

tion bills and such riders as are intended to coerce executive action. In this I think I am maintaining nothing but what the advanced thought of the age in political science the world over has already arrived at. I say here that in my sixteen years of experience in Congress, before the late separation or war, more corruption and the most mischievous of all legislation which ever occurred during that time, so far as I am aware, came from riders, or amendments to appropriation bills—amendments that could not be passed on their own merits. So greatly was this recognized as the fact that when those members of the old Congress met in Montgomery to make a new constitution, as the gentleman from Michigan referred to it the other day, one of the great wants, as we thought, and I acting my part in it thought, was in that fundamental law to put "the sting of disability in the temptation," to use the language of my able and most distinguished colleague on that occasion, [Mr. Toombs,].in the very constitution of the republic.

The first constitution made for one year—the provisional constitution—had a provision which was referred to by the gentleman from Michigan, the other day, in these words, which I will ask the Clerk to read.

The Clerk read as follows:

The President may veto any appropriation or appropriations, and approve any other appropriation or appropriations in the same bill.—*Article* 1, *section* 5, *paragraph* 1.

Mr. STEPHENS. That was what was done in the provisional constitution, which remedied the great evil to a considerable extent. I ask the Clerk to read what were the provisions in the permanent constitution.

The Clerk read as follows:

ARTICLE I.

SEC. 9, par. 9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments and submitted to congress by the president; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the government, which it is hereby made the duty of congress to establish.

SEC. 10. All bills appropriating money shall specify in Federal currency the exact amount of each appropriation and the purposes for which it is made; and congress shall grant no extra compensation to any public contractor, officer, agent, or servant after such contract shall have been made or such service rendered.

* * * * * * *

Paragraph 20. Every law, or every resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

Mr. STEPHENS. These extracts need no explanation. But, Mr. Chairman, what I wish understood is that what I have asserted here to-day is no newborn idea with me with a view to advance the interest of one party or another on this floor or in the country, but to advance and secure the interests and prosperity of the people everywhere.

The principles embodied in these extacts were the matured thought of years before; they were wisely incorporated in the Confederate States constitution, and I would be glad to see them to-day incorporated not only in the rules of this House but as an amendment in our present Federal Constitution. They are conservative in their character; they watch and guard the Treasury and protect the rights of the people, and especially the money of the people.

Gentlemen on this side of the House speak of being desirous of economy. Economy! Yes; that is the cry—economy! I am for economy, and I say the best way in the world to have true, real, lasting, good economy is to shut down the door and put bonds upon your appropriation committees. [Applause.] That is the best way to have economy. Let these bills be confined to the requirements of existing laws.

I stated that I was but maintaining the advanced thought of civilization in the science of government. Why, sir, a number of the States of this Union—how many I really do not know—have taken the lead in this matter. I am but following in their footsteps. I am told by the gentleman from Tennessee [Mr. WHITTHORNE] that that State has incorporated a similar provision in its constitution. I send to the desk and the Clerk will please read what is the provision of the constitution of Georgia.

The Clerk read as follows:

The general appropriation bill shall embrace nothing except appropriations fixed by previous law, the ordinary expenses of the executive, legislative, and judicial departments of the government, payment of the public debt and interest thereon, and for the support of public institutions and the educational interests of the State. All other appropriations shall be made by separate bills, each embracing but one subject.—*Georgia Constitution*, 1879, article 3, section 7, paragraph 9.

Mr. STEPHENS. I am for the same rule here that I aided by my advice and counsel in getting established in the new constitution in Georgia. I would, if I could, myself have incorporated in the rules of this House the identical idea that is in the constitution of my native State.

We have been asked what becomes of the Committee on Appropriations? Why, sir, that committee will have its hands full enough to bring forward appropriations according to the estimates under existing laws—labor enough if they will do it well. The labor of that committee is immense when restricted to its legitimate duties. Let them bring forward their bills precisely in the way stated in the Georgia constitution, and who will be harmed by it? Does the proposed amendment prevent that committee from reporting any bill of reform or retrenchment it may see fit? Not at all. The amendment leaves them as untrammeled in reducing expenses as they will be without it. Is their power not unlimited in that respect even with the amendment? If retrenchment is the object, I am for it. If reform is the object, I am for it. Does the power laid down in the Georgia constitution or what I propose prohibit them from going on in that direction if they choose? It does not.

Suppose in this twenty-first rule reported by the committee it should be moved to strike out everything after the word "progress," I would vote for that rather than let it stand as it is. But I prefer the amendment of the gentleman from Ohio, [Mr. WARNER.] I am willing to compromise on that. But I would be willing to vote for striking out the whole of that last sentence. Suppose you do that, will it prevent the Committee on Appropriations from introducing a bill to reduce expenditures in anything under existing laws? No. Will it prevent them from bringing forward any bill of reform? No. Will it prevent any other committee of this House or any member from bringing in a bill to change or repeal an obnoxious law? It will not. If they see fit to reform the Army or to reform any of the other departments of the Government, or to reduce salaries generally, is not the door just as wide as it is now? I think so.

My opinion, therefore, is as I stated at the beginning, that in the appropriation bills there should be no rider. I will state to the committee frankly that one reason why I feel so much interest in this question is found in the intimation of the gentleman from Ohio, [Mr. HURD,] to whom I have alluded, that gentlemen want the rule to stand as it is, that a majority of the House may use it to tack riders on appropriation bills, which appropriation bills must pass or ought to pass, such as the Constitution requires us to pass, and thereby to force the redress of grievances, or the repeal of obnoxious laws, and thus to compel the executive sanction or stop the wheels of government. That is the intimation, as I understand it. Well, sir, my opinion on that subject was very clearly given, not to the world, but to that gentleman and the democratic caucus, when that scheme was tried at the last session. I was opposed to it then; I am opposed to it now, and shall forever be opposed to any such tacking legislation. [Applause.] Hence I think it best that there should be no door for such tacking in the reformation of our rules. There should be no loophole left for allowing any such legislation to be ruled in order.

I again thank the House for this indulgence to me. Had I been permitted to speak when I wished I would not have occupied ten minutes. I yield the floor back to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I feel unwilling to detain the House from the consideration of the rules, which is a matter of pressing importance; and having now accomplished the object in behalf of free speech and fair play which I desired, if there be no others who wish to discuss this matter I move that the committee rise.

The question being taken on the motion that the committee rise, there were—ayes 104, noes 8.

So (further count not being called for) the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the state of the Union generally and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. BLACKBURN. Unless it be the pleasure of the House to waste more time, I will now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the further consideration of the report of the Committee on Rules.

Mr. TOWNSHEND, of Illinois. Before that motion is put I desire to move that the House take a recess from half past four until half past seven o'clock p. m., for the purpose of further considering the report of the Committee on Rules. If we are to have any legislation this session we should conclude the consideration of that report.

The SPEAKER. Does the gentleman from Kentucky [Mr. BLACKBURN] yield for that motion?

Mr. BLACKBURN. I am willing that there shall be a vote upon it.

Mr. CONGER. I take exception to the remarks of the gentleman from Kentucky——

A MEMBER. It is too late.

The SPEAKER. There has been intervening business.

Mr. CONGER. It is in regard to the present business. The gentleman said that in order to waste no more time——

Mr. BLACKBURN. The gentleman said no such thing.

The SPEAKER. There has been intervening business.

The question was taken on the motion of Mr. TOWNSHEND, of Illinois; and it was not agreed to.

The question was then taken upon the motion of Mr. BLACKBURN; and it was agreed to.

REVISION OF THE RULES.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of proceeding with the consideration of the report of

the Committee on Rules. The pending question is upon the amendment offered by the gentleman from Ohio, [Mr. WARNER,] upon which the gentleman from Mississippi [Mr. HOOKER] makes the point of order that the amendment is not in order. The amendment of the gentleman from Ohio [Mr. WARNER] will be read.

The Clerk read the amendment, as follows:

Strike out all after the word "order," in the last sentence of the third clause of Rule XXI, and insert the following:

Except that it shall be in order to reduce the expenditure of money authorized or required by such existing law and covered by the bill, and to change the law only to the extent necessary to make it conform to such reduction.

So that the clause, if amended, would read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except that it shall be in order to reduce the expenditure of money authorized or required by such existing law and covered by the bill and to change the law only to the extent necessary to make it conform to such reduction.

Mr. HOOKER. I make the point of order that substantially the same amendment has already been offered by the gentleman from Ohio [Mr. WARNER] and voted down by the committee. It is true that the pending amendment proposes to strike out something more of the twenty-first rule than did the original amendment; but in substance and reality it proposes to bring the Committee of the Whole to a vote again upon substantially the very same subject-matter that it has already voted down. I therefore hold that the amendment is not in order.

Mr. WARNER. The amendment offered by me some days since, and voted upon in Committee of the Whole, was not the same as this amendment. I think no amendment has heretofore been submitted proposing specifically to limit the change of law so as to make it conform to the reduction of expenditure proposed. I think, therefore, my amendment is clearly in order, as it has not previously been submitted to the committee.

The CHAIRMAN. The Chair has carefully compared the two amendments. While it is evident to the Chair that they are intended to accomplish the same purpose, there is so much difference in their phraseology that the Chair does not feel disposed to take the responsibility of deciding that they are the same thing. The Clerk will read the amendment which was offered by the gentleman from Ohio [Mr. WARNER] the other day and rejected by a vote of the Committee of the Whole.

The Clerk read as follows:

Strike out of the third clause all after the word "order," in the last sentence' and insert the following:

Except that it shall be in order to reduce the amounts of money provided for by existing law and covered by the bill, and to that extent only to change the law.

The CHAIRMAN. As the Chair has already observed, the object of the two amendments is undoubtedly the same, but they are couched in very different language, and may be very different things. For instance, in one amendment the words "amounts of money" are used; whereas in the other the words "expenditure of money authorized or required by such existing law" are used. And the concluding portions of the two amendments are in quite different language. The Chair therefore overrules the point of order, and will submit the amendment to the Committee of the Whole.

Mr. SPRINGER. The Chair rules the amendment to be in order?

The CHAIRMAN. The Chair having doubts upon the subject has deemed it best to submit the question to the Committee of the Whole.

The question was then taken by a *viva voce* vote, and before the result was announced

Mr. WARNER called for tellers.

Tellers were ordered; and Mr. WARNER and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported that there were—ayes 117, noes 109.

So the amendment submitted by Mr. WARNER was agreed to.

Mr. BLACKBURN. I give notice that I will call for the yeas and nays in the House.

Mr. MILLS. I move to amend the third clause of Rule XXI as amended, by adding thereto the following:

But any amendment reducing customs and internal-revenue taxes shall be in order on any appropriation bill.

Mr. CONGER. I make the point of order that that is not germane to the subject-matter of the pending clause.

Mr. MILLS. There is no rule that amendments shall be germane. We are now making rules not in accordance with any previous rules of the House, but whatever rules we may please to make, under the Constitution.

The CHAIRMAN. The subject under consideration by the Committee of the Whole is the proposed revision of the rules of the House. Of course it must be in order to move any amendment which proposes to change any existing rule or to establish a new rule.

Mr. CONGER. My point of order is that the proposed amendment is not germane to the pending clause.

The CHAIRMAN. The Chair has had occasion heretofore to decide that it was not the duty of the presiding officer of this committee to say where a particular provision should be inserted in the report of the Committee on Rules; that is within the province of the Committee of the Whole. The Chair therefore would not rule an amendment out of order because it was not germane to a particular clause under consideration, for the Committee of the Whole might deem it proper to put the amendment in that place rather than where the Chair might think it ought to be put.

Mr. CONGER. But if the Chair pleases, we have followed this revision by paragraphs as if they were sections of a bill; and we cannot go back to a former paragraph.

The CHAIRMAN. The gentleman from Texas does not propose to return to any former paragraph. He proposes to add this to the clause or paragraph now under consideration. The Chair thinks the amendment is in order.

The question being taken, the amendment was not agreed to; there being—ayes 24, noes 86.

Mr. MILLS. I move to amend by adding the following:

And any amendment shall be in order that provides for the retirement of the circulation of national banks, or that prohibits the renewal of their charters.

The question being put on the amendment, there were ayes 61.

Before the negative side was counted,

Mr. FINLEY called for tellers.

Tellers were ordered; and Mr. MILLS and Mr. CONGER were appointed.

Mr. CONGER. I am in favor of the adoption of the amendment in the Committee of the Whole, that we may have a vote in the House by yeas and nays.

Mr. MILLS. I will agree to that.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] will please act as a teller, instead of the gentleman from Michigan, [Mr. CONGER.]

The committee divided; and the tellers reported—ayes 59, noes 99.

So the amendment was not agreed to.

Mr. MILLS. I move to amend by adding the following:

And any amendment shall be in order that provides for the coinage of silver upon the same terms as gold.

Mr. CONGER. Is that an addition to the clause or an amendment of an amendment?

The CHAIRMAN. The gentleman from Texas has proposed it, the Chair understands, as an addition to the clause which has been amended by vote of the committee.

Mr. CONGER. So that it does not affect the amendment already adopted.

The CHAIRMAN. Not at all.

The question being put, there were ayes 55.

Before the negative side was counted,

Mr. MILLS called for tellers.

Tellers were not ordered.

The negative vote being taken, there were noes 81.

Mr. COOK. No quorum has voted.

Mr. MILLS. I hope the committee may give unanimous consent that a vote by yeas and nays be taken on this proposition in the House. [Cries of "Oh, no!"]

The CHAIRMAN. Does the gentleman from Georgia [Mr. COOK] insist on the point that no quorum has voted?

Mr. COOK. I withdraw it.

Mr. FINLEY. I renew it.

Tellers were ordered; and Mr. MILLS and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported—ayes 34, noes 114.

So the amendment was not agreed to.

Mr. PAGE. The gentleman from New Jersey [Mr. ROBESON] indicated an amendment; when will that be in order?

The CHAIRMAN. The amendment of the gentleman from New Jersey would have been in order at the time he sent it to the desk, if other amendments had not been pending; but since that time the committee has adopted the amendment proposed by the gentleman from Ohio [Mr. WARNER] which strikes out the very words that the gentleman from New Jersey proposed to strike out, and inserts other words in lieu of them. The Chair is therefore of opinion that the amendment of the gentleman from New Jersey, in the form indicated by him the other day, would not now be in order.

Mr. ROBESON. I move, then, to strike out all after the word "changing," and to insert "the effect of existing law be in order."

The CHAIRMAN. This amendment differs from the other, and is in order.

Mr. BLACKBURN. Let it be reduced to writing.

Mr. SPRINGER. Would not this amendment strike out the amendment adopted on motion of the gentlemen from Ohio, [Mr. WARNER?]

The CHAIRMAN. The Chair so understands; but the gentleman from New Jersey proposes to strike out that amendment and something along with it, which makes it in order.

Mr. ROBESON. I offer this amendment, Mr. Chairman, in order to present the square issue whether we shall have any "riders."

Mr. RANDALL, (the Speaker.) The square issue is not whether we shall have any "riders," but whether we shall have any economy.

Mr. PAGE. I ask that the clause as already amended by the adoption of the amendment of the gentleman from Ohio be read.

The CHAIRMAN. The Clerk, before reading the amendment of the gentleman from New Jersey, will report the clause as it now stands amended by the Committee of the Whole.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except that it shall be in order to reduce the expenditure of money authorized or required by such existing law and covered by the bill, and to change the law only to the extent necessary to make it conform to such reduction.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROBESON] proposes to amend so that the clause will stand as the Clerk will read.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing the effect of existing law be in order.

Mr. WARNER. I wish to make a parliamentary inquiry. If the amendment proposed by the gentleman from New Jersey be adopted, will it strike out the amendment already offered by myself and adopted by the Committee of the Whole?

The CHAIRMAN. It does.

Mr. ROBESON. And that is what it is intended to do.

Mr. WARNER. I only wanted to know.

Mr. SPRINGER. Does this take the place of the amendment of the gentleman from Ohio?

The CHAIRMAN. The proposition is now to strike out that part of the clause which was adopted on the motion of the gentleman from Ohio, and along with it other matter which was reported by the Committee on Rules.

Mr. ATKINS. Have it read again.

The CHAIRMAN. It has been twice reported. Is there objection?

There was no objection, and the amendment was again read.

Mr. BLOUNT demanded tellers.

Tellers were ordered; and Mr. ROBESON and Mr. WARNER were appointed.

The committee divided; and the tellers reported—ayes 115, noes 43.

So Mr. ROBESON'S amendment was adopted.

Mr. BLACKBURN. I give notice I shall demand the yeas and nays on this in the House.

Mr. MORRISON. I offer what I send to the Clerk's desk as a substitute for the clause as amended.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditure.

Mr. BLACKBURN demanded tellers.

Tellers were ordered; and Mr. MORRISON and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported—ayes 123, noes 95.

So the amendment was adopted.

Mr. GARFIELD. I offer the following as an addition:

But no proposition or amendment shall be in order except as to amounts of money.

I want to restrict all the changes provided for to money.

Mr. MCMAHON. I make the point of order on that. The committee has already agreed to this clause in the shape it is. This is inconsistent with it.

Mr. GARFIELD. This is an addition.

Mr. MCMAHON. But it is inconsistent with the clause as the committee has adopted it.

The CHAIRMAN. Whether it is or not is a question for the committee to determine. The committee can always add a proviso.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 109, noes 122.

So the amendment was rejected.

Mr. WHITE. I move to strike out all after the word "progress" in the original clause reported by the committee. Then the amendment of the House has inserted and added to the original report of the committee certain written matter. I propose to strike out some of the lines of the original proposition together with what has been lately inserted. This is in order.

Mr. BLACKBURN. Is that in order? I make the point it is not.

The CHAIRMAN. The Chair thinks he understands the proposition of the gentleman from Pennsylvania. It is to strike out a part of what has just been inserted by a vote of the committee. The gentleman says that is in order because he proposes to strike out with that some part of the original report of the Committee on Rules.

Mr. WHITE. That is right.

The CHAIRMAN. It is not in order, for that brings it within the rules.

Mr. WHITE. I apprehend the point of order is not well taken. It is competent to strike out part of the original proposition together with what has been just inserted by the House. That is not like an independent proposition of striking out what has been inserted.

The CHAIRMAN. The gentleman will remember the gentleman from Illinois in his amendment incorporated the whole of the first part of the report made by the Committee on Rules, and the committee by its vote just taken have agreed expressly not only to the new matter which the gentleman from Illinois proposes but to the original matter which the Committee on Rules reported.

Mr. WHITE. I understand that.

The CHAIRMAN. Now the gentleman proposes to strike out a part of the very matter that the committee has agreed to.

Mr. STEPHENS. I wish to say a few words upon the point of order. As I understand it, the text of the report of the Committee on Rules has been amended by the Committee of the Whole.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that the whole of clause No. 3, as reported by the Committee on Rules, has been stricken out on the motion of the gentleman from Illinois, and a new clause inserted as a substitute.

Mr. STEPHENS. The whole of it?

The CHAIRMAN. The whole of it. That was the amendment proposed by the gentleman from Illinois which was agreed to by the committee.

Mr. LOWE. I propose to amend the clause.

Mr. STEPHENS. I trust that the point of order may be decided now.

The CHAIRMAN. The Chair has already decided the point.

Mr. HOOKER. I submit that the point of order is no longer debatable.

The CHAIRMAN. As the Chair understands, the gentleman from Alabama now rises to propose an amendment.

Mr. WHITE. I understand that the gentleman from Georgia desires to debate the point of order.

Mr. HOOKER. I understood that the point of order had already been decided by the Chair.

Mr. STEPHENS. I ask for the reading of the amendment proposed by the gentleman from Illinois.

Mr. BLACKBURN. That has been passed.

Mr. STEPHENS. I wish to have it read.

The CHAIRMAN. The gentleman from Georgia asks that the amendment already voted upon be read. Is there objection?

Mr. BLACKBURN. I object.

The CHAIRMAN. The gentleman from Kentucky objects.

Mr. BLACKBURN. I rise to a parliamentary inquiry. What is before the committee?

The CHAIRMAN. Nothing, unless the gentleman from Alabama offers an amendment. The Chair understood the gentleman to rise for the purpose of offering an amendment. Does the gentleman desire to offer an amendment?

Mr. LOWE. I do. I ask it to be read.

The Clerk read as follows:

Provided, however, That no provision or amendment of a partisan character shall be in order.

The House divided; and there were—ayes 61, noes 102.

Mr. LOWE demanded tellers.

Tellers were ordered; and Mr. LOWE and Mr. BLACKBURN were appointed.

The House again divided; and the tellers reported—ayes 70, noes 114.

So the amendment was disagreed to.

The Clerk read as follows:

4. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

5. All bills for improvement of rivers and harbors and for the establishment or change of post-routes shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.

Mr. SPRINGER. I desire to offer an amendment to this clause 5.

The Clerk read as follows:

Amend clause 5 by inserting after the word "all," in the first line, the following words: "private bills and;" making it read, "all private bills and bills for the improvement of rivers and harbors, and for the establishment or change of post-routes," &c.

Mr. SPRINGER. I desire to say a word upon that amendment. It simply provides that all private bills shall be put into the petition-box the same as bills for the establishment of post-routes and petitions or memorials. They will then go to their appropriate committees, the same as petitions go, and when reported to the House by the committee it will be in order to print them, but not otherwise. Up to this time we have had introduced into this Congress near five thousand bills, the great majority of them being of a private nature, and we have been compelled not only to print them at great expense, but to wait here until the Journal of each day has been read. Now, this proposition is for the purpose of economizing time and money by requiring that all these private bills shall go in the first instance to the committee as petitions are now referred, and if reported by a committee they can then be printed, and not otherwise.

Mr. MILLS. Let me say to the gentleman from Illinois that I have had some experience in that direction myself. I can refer him to an

instance where I had a private bill which was sent to a committee and lost, and I was unable to obtain any information whatever in reference to it. What is to be done in such a case as that?

Mr. SPRINGER. Introduce another bill. It would take the gentleman but a very short time to write another or get it ready for presentation.

Mr. MILLS. All of these bills ought to be printed; it costs but little and is a matter of safety as well as convenience.

Mr. SPRINGER. The great bulk of these bills are merely for pensions and private claims of various kinds, and the expense of printing them ought to be avoided when there is no necessity for it.

Mr. CONGER. Mr. Chairman, upon this point I desire to say a few words. Among all these bills which come in under the name of private bills——

Mr. DUNNELL. Will the gentleman yield until the amendment can be again read?

The proposed amendment was again read.

Mr. CONGER. Mr. Chairman, there are bills which would be called private bills, and would be ruled to be such, embracing frequently very large amounts. I think it would be the desire of every one that bills introduced here to which the attention of the House is called should be printed, so that we can have opportunity to know their contents and examine them, and be prepared with our views to act intelligently upon them before the committee report. They ought to be printed, and there is no reason why they should be sent to the committee without printing any more than a great number of unimportant public bills. I hope the amendment will not be adopted.

Of course bills as to harbor and river improvements can be sent without printing, because they go to a committee which prepares a general bill. So with bills in reference to postal routes. They may be sent to the box, because they have all to be incorporated in a general bill. But private bills must all be considered separately. They do not go into one general bill.

Mr. SPRINGER. I have no objection to the printing of private bills if anybody wants them printed.

Mr. DUNNELL. I ask the gentleman from Illinois [Mr. SPRINGER] whether his amendment proposes a continuation of the present rule that private bills shall not be printed?

Mr. SPRINGER. The present rule, which provides that private bills shall not be printed when they have been printed by a previous Congress, will remain in force, if a part of this revision and adopted. It was thought unnecessary to have these bills printed which are introduced session after session, and can be found in the document-room.

Mr. DUNNELL. But under the practical operation of the new rule bills that are private without any exception are not printed, whether they have been previously printed or not.

Mr. SPRINGER. It may be provided at a subsequent point in the revision that such private bills as have not heretofore been printed shall be printed.

Mr. DUNNELL. I think all bills, private and public, should be printed, and then we will have but one place to go to to find all the bills and know what they are. Now we have to go to the document-room for public bills and to the file-room for private bills, which is exceedingly inconvenient.

The amendment was not agreed to.

Mr. CHALMERS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to clause 5 of Rule XXI the following:

For the consideration, preparation, and report of the river and harbor bill the Committee on Commerce shall consist of thirty-eight members, one of whom shall be selected from each State, and that the Speaker shall at once add to the present committee one member from each State not now represented thereon.

Mr. CHALMERS. Mr. Chairman, it seems from the action of the House that the river and harbor bill must necessarily be completed in the committee-room. I desire to say that this amendment is offered after consultation with the chairman of the Committee on Commerce, and while I do not say he is in favor of it he certainly did not indicate any opposition. Upon the contrary, he agreed with me that every State in this Union should have a representative upon the Committee on Commerce in the preparation of the river and harbor bill. It is not intended by this amendment to add to the committee so as to prevent it from being sufficiently small to work well. The amendment simply applies to the river and harbor bill and not to general questions of commerce.

The CHAIRMAN. There is too much confusion. The gentleman from Mississippi will please suspend until order is restored.

Mr. CHALMERS. As I said before, inasmuch as the practice of the House now is well established that the river and harbor bill as perfected in the committee-room becomes the law of the land, it is essential that every State in the Union should have some voice in the preparation of that bill while it is passing through the committee. As it is now, some of the most important States, as the State of Mississippi and the State of Tennessee, both of which are deeply interested in rivers and harbors and their improvement, have no representative on the Committee on Commerce; California has no representative on the Committee on Commerce. I maintain that every State should at least have a representative on that committee in the preparation of that bill, that equal and exact justice should be done to all parts of the country.

I hope gentlemen will think well before they oppose this amendment. It is not brought here in any factious spirit. It is true I made as much of a fight as I could for the Mississippi Levee Committee; but that committee, as we all know, was killed by the action of this Committee of the Whole. The determination to permit the river and harbor bill to be prepared in the committee-room of the Committee on Commerce and then to be passed in this House is the clear declaration on the part of a majority of this House that that is the proper and best way to prepare such a bill.

South Carolina, I believe, has no representative on this committee. There are but fifteen members on it and there are thirty-eight States. If it was intended to extend the membership of the committee to thirty-eight for all the considerations of commerce it might become too unwieldy. The gentleman from Georgia suggested a moment ago it might be necessary in that case to build an extra room to put them in. That is not a good objection since the proposition applies simply to a single bill. It does not interfere with the ordinary legislation considered by the Committee on Commerce. We are all deeply interested in this subject, and I hope gentlemen will reflect well before they reject the proposition I have submitted.

The question being taken on agreeing to Mr. CHALMERS's amendment, there were—ayes 36, noes 70.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The gentleman from Kentucky [Mr. OSCAR TURNER] desires to offer an amendment.

Mr. HAYES. I move that the committee rise.

The question being taken on the motion that the committee rise, there were—ayes 83, noes 104.

So the motion was not agreed to.

Mr. OSCAR TURNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend Rule XXI by adding as a sixth clause the following:

Upon all bills or resolutions appropriating money or creating a charge or debt upon the people the yeas and nays shall be taken on the final passage of such bills in the House, and entered on the Journal.

Mr. CONGER. Have we not passed to the next rule?

The CHAIRMAN. The committee has passed from the fifth clause of Rule XXI; but the gentleman from Kentucky [Mr. OSCAR TURNER] proposes to add a sixth clause to that rule.

Mr. PHISTER. As my colleague [Mr. OSCAR TURNER] may desire to submit some observations to the committee upon this amendment, I will move that the committee now rise. [Cries of "No!" "No!"]

Mr. BLACKBURN. Let him take his five minutes now; he can only have five minutes.

Mr. PHISTER. I will not press the motion.

Mr. OSCAR TURNER. Mr. Chairman, as I argued this question at the time I gave notice that I would offer this amendment, I do not feel inclined again to trespass upon the time of the committee; but as there may be some members present who were not then, I shall briefly refer to the points that strike my mind, showing conclusively that this amendment, or one embodying the same principle to some extent at least, ought to be adopted. Bills making appropiation of public money have for many years been passed by this House without the call of the yeas and nays. Indeed, the journals show that they are rarely called unless there is some political rider upon the bills or extraneous legislation in them. The result of this is that frequently, in the hurry of legislation and the noise and confusion, although the attention of members is invited by the Speaker to these bills, very few vote upon their passage. It is a fact well known to every member of this House that many bills appropriating millions of the public money pass here by the votes of perhaps four or five members; it may be the votes only of those constituting the committee from which the bills come.

These are facts that no gentleman will deny. Now, sir, this is all wrong. No appropriation of money ought to pass unless the attention of members is drawn directly to the passage of the bill, and no such bill ought to pass without it is voted for by a majority of all the members elected. Now, how are you to effect this result? I know of no way except to require the yeas and nays upon all bills appropriating public money. It is no new idea. Look, Mr. Chairman, at the array of States in this Union that have adopted this provision in their constitutions. I referred in my remarks before to seven States; since then I find that the provision is incorporated in the constitutions of the following States, twenty-two in number:

1. New York.	7. Alabama.	13. Indiana.	19. North Carolina.
2. Pennsylvania.	8. Arkansas.	14. Kansas.	20. Ohio.
3. Virginia.	9. California.	15. Missouri.	21. Oregon.
4. Maryland.	10. Colorado.	16. Nebraska.	22. Tennessee.
5. Minnesota.	11. Florida	17. Nevada.	
6. Wisconsin.	12. Illinois.	18. New Jersey.	

Kentucky requires yeas and nays on all bills appropriating over $100. Many of the old States had tried for over half a century to do without this safeguard of the people's money, but it would not do; they were forced to amend their constitutions and incorporate this provision in them. I will refer to the great States of New York and Pennsylvania, which adopted this provision in 1873, and Kentucky and Virginia in 1850 and 1851. Now, sir, if it is right in the State consti-

tutions why is it not right here? Are the taxes less burdensome on the people when imposed by Congress than by the States. Sir, there is greater reason for it here, for where the Legislatures of the States vote away hundreds of dollars we vote away millions, all coming out of the pockets of the toiling millions of the country.

I have heard but one member urge a reason against this amendment, and that was that it would take too much time. Are the people to be told by us that we have not time to call the yeas and nays upon bills appropriating their money? We are paid by the year and let us take the time. Why, sir, the yeas and nays are called hundreds of times every session upon unimportant questions, frequently even upon the question of daily adjournment. Yet we are told upon these important bills we have not the time. Mr. Chairman, this may be good logic here, but I apprehend gentlemen will find it bad logic on the stump before their constituents. But, sir, the truth is it would not take an unreasonable amount of time. There is too much special legislation here. It is bad enough in the State Legislatures, but it is worse here. Let us pass general laws providing remedies for claimants, and let them resort to the Departments and bureaus and courts, and bring their cases within those laws. If they cannot, then let their claims fall, as they ought to, and not come here to get their claims through where we have not the time to investigate the proof, and where they frequently pass as a sort of favoritism.

Mr. Chairman, this is all wrong, in my judgment. Why, sir, there are now over two thousand private bills for pensions before this Congress already; and God knows how many more will be offered, for they come in by hundreds every bill day; yet we have a pension bureau and laws designating who are entitled to pensions, and under what circumstances. If the general laws granting pensions are insufficient, let us change them and enlarge the grounds for pensions, but not sit here as a great pension bureau instead of attending to general legislation for the public good. If these views were carried out we would not have so many bills appropriating money. I have made these remarks in no partisan spirit, and, sir, I appeal to gentlemen to support the amendment or offer a better one. Let the people know who it is that votes away the money. No man will shrink from it when it is a just appropriation, and if it is not the people have the right to know who voted for it. Mr. Chairman, if this amendment is adopted it will save millions of dollars. It has done it in the States and it will do it here. I hope the amendment will prevail. I am not afraid to put myself on the record on such bills. Special legislation and private bills are a curse in the State Legislatures and they are a curse here.

[Here the hammer fell.]

The question was taken upon the amendment of Mr. OSCAR TURNER; and upon a division there were—ayes 103, noes 19.

No further count being called for, the amendment was agreed to.

Mr. HAWLEY. I give notice that I will call for a vote by yeas and nays upon this amendment in the House.

Mr. BLACKBURN. You have that right.

The Clerk read the following of Rule XXII:

Rule XXII. Of petitions and memorials——

Mr. BLACKBURN. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules, and had come to no resolution thereon.

FEBRUARY 20, 1880.

ORDER OF BUSINESS.

Mr. WHITE. I desire to make a report from the Committee on Military Affairs.

The SPEAKER. The Chair is advised that two members of the Committee on Military Affairs, who were absent this morning when their committee was called, desire unanimous consent to make reports from that committee.

Mr. BLACKBURN. I must insist upon my motion to go into Committee of the Whole for the further consideration of the report of the Committee on Rules.

Mr. WHITE. Does it not take a two-thirds vote on private bill day?

The SPEAKER. The motion to go into Committee of the Whole on the Private Calendar has been voted down by the House.

The motion of Mr. BLACKBURN was ageed to.

REVISION OF THE RULES.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the report of the Committee on Rules. At the time the committee rose yesterday the Clerk had begun the reading of Rule XXII, but had not concluded it. The Clerk will now read.

The Clerk read as follows:

RULE XXII.

OF PETITIONS AND MEMORIALS.

1. Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal together with the names of the members presenting them, and the Clerk shall furnish a transcript thereof to the official reporters of debates for publication in the RECORD.

Mr. DUNNELL. I wish to ask the gentleman from Kentucky [Mr. BLACKBURN] if this rule does away with the present custom of presenting memorials by placing them in the box at the Clerk's desk?

Mr. BLACKBURN. It does not.

Mr. DUNNELL. The phraseology is different from that of the old rule.

Mr. BLACKBURN. In the opinion of the Committee on Rules it does not change the present practice at all.

The Clerk read as follows:

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

Mr. DUNNELL. I have not prepared any amendment to offer to this clause, but during the general debate on this revision I called the attention of the committee to the clause; and the gentleman from Kentucky may remember the criticisms that were then made upon it. It is a departure from the present custom. Now, when a committee has had placed in its possession a bill which in its judgment ought to go to some other committee, the custom is for the committee to report it back to the House, and let the House refer it to that other committee. This, I think, is a very much better rule than that here proposed.

Mr. BLACKBURN. Under the existing rule when a committee has been charged with the consideration of a petition or memorial which in its judgment should be referred to some other committee, there is no way for it to relieve itself of the custody of that paper, except by bringing it back to the House and letting the House make a change of reference. This proposed rule gives to each committee of the House the power of changing the reference of a petition or memorial referred to it, when in the judgment of such committee it has been inappropriately referred.

The only advantage that we claim will result from the adoption of this rule is in the time that will be saved. The gentleman from Minnesota himself, in his long experience in this House, has often known it to be the fact that members of committees were struggling here for days and days to get an opportunity to have a paper re-referred when it had been inappropriately sent to the committee. Thus action by the House is delayed and the time of the House taken up; and I know but very few, if any, instances in which such request has ever been refused. The Committee on Rules in proposing this clause of the twenty-second rule have taken it for granted that each standing or regular committee of the House is able to determine whether a petition or memorial sent to it belongs to it properly or not; and when such a paper has been improperly referred it was the opinion of the Committee on Rules that the committee having the custody of the paper should have the right to make a proper reference of it without coming here and occupying the time and attention of the House.

Mr. HAWLEY. Would not the gentleman have this change of reference appear on the Journal and in the RECORD?

Mr. BLACKBURN. It may be proper that the Journal should show the change of reference.

Mr. DUNNELL. But how will the officers of the House get knowledge of that fact?

Mr. BLACKBURN. The rule does not provide, nor is it possible it shall provide, a method that would bring to the knowledge of the journal clerk officially the change of reference, unless we adhere to the old rule and require that the document shall be brought back to the House.

Mr. HAWLEY. Could there not be added to this rule a clause providing that the committee in such case cause entry to be made on the Journal?

Mr. BLACKBURN. There is no objection to that; but it would simply impose upon the committee proposing the change of reference the duty of notifying the journal clerk.

Mr. HAWLEY. There ought to be some provision of that kind; otherwise we would be put entirely off the track in hunting for a bill.

Mr. BLACKBURN. I have no objection to such an amendment.

Mr. HAYES. Let it be provided that the change of reference shall be entered on the Journal.

Mr. REAGAN. It will be seen that the last part of this clause provides that the paper is to be "properly referred in the manner originally presented." In other words, the committee to whom it may have been improperly referred will refer it to another committee through the petition-box, and thus the new reference will be noted on the Journal.

Mr. HARRIS, of Virginia. Gentlemen will find on examining the pending clause that it has no reference to bills, but refers only to petitions and memorials to be placed in the box.

Mr. RANDALL, (the Speaker.) Is there any proposition pending?

The CHAIRMAN. The Chair understands not.

Mr. DUNNELL. I move to amend the clause by striking out all after the word "referred," in the third line, and adding the following:

Shall be reported back to the House for such further reference as the House shall determine.

Mr. BLACKBURN. That is the rule we have now.

Mr. DUNNELL. This, I confess, is substantially a continuance of the present rule.

Mr. BLACKBURN. Let me call the gentleman's attention to the fact that the clause now under consideration does not treat of bills at all. It speaks only of petitions and memorials which go through the petition-box.

Mr. REAGAN. And when such petitions or memorials have been improperly referred, it authorizes them to come back through the petition-box for proper reference.

Mr. BLACKBURN. This clause simply provides that petitions or memorials improperly referred shall come back for re-reference by the same channel through which they originally came into the House.

Mr. DUNNELL. In view of the explanation which has been made, I withdraw my amendment.

Mr. HAYES. I move to amend the clause by adding the words "and a record of the same shall be made upon the Journal."

Mr. BLACKBURN. This amendment is not necessary. If these papers come back in the same manner in which they were originally presented, as this clause provides they must—that is, through the petition-box—the journal clerk is bound to take note of them.

Mr. HAYES. If that be so, it is all I want. But when I have presented a memorial I want to know where it goes; I want to be able to trace it up.

Mr. BLACKBURN. If the gentleman will look at it I am satisfied he will be content with the rule.

Mr. WEAVER. I move as a substitute for the amendment proposed by the gentlemen from Illinois the following.

The CHAIRMAN. Did not the gentleman from Illinois withdraw his amendment?

Mr. HAYES. If it be true, as stated by the gentleman from Kentucky having charge of the rules, I withdraw my amendment.

Mr. WEAVER. Then I offer it as a separate proposition.

The Clerk read as follows:

At the end of the second clause add as follows:
Unless the member presenting said petition or memorial shall object, in which case said petition or memorial shall not be referred to another committee except by order of the House.

The amendment was rejected.

Mr. FINLEY. I desire to call the attention of the gentleman from Kentucky and of the gentlemen of the House to the fact that this clause should be amended in some way so as to provide for the printing of private bills. We all have had experience of the inconvenience of the present rule in that regard. If the gentleman will consent to the amendment to clause 5 of section 21—

Mr. RANDALL, (the Speaker.) I object.

Mr. FINLEY. Then I move the following as an amendment to clause 3 of section 22.

Mr. BLACKBURN. I reserve the point of order on that amendment.

Mr. FINLEY. I move to add the following:

All bills of a private nature shall be referred to appropriate committees, and ordered to be printed.

Mr. BLACKBURN. I make the point of order that is not germane, and therefore not in order.

The CHAIRMAN. The Chair thinks he cannot dictate to the committee in what part of the report such provision shall be inserted.

Mr. BLACKBURN. This relates to nothing but the petitions or memorials.

The CHAIRMAN. That is true.

Mr. BLACKBURN. Bills are treated of elsewhere, and that part of the report we have already passed.

Mr. FINLEY. I am not at all tenacious about this matter.

Mr. BLACKBURN. Very well, then; let us have a vote on the amendment.

Mr. FINLEY's amendment was rejected.

The Clerk read as follows:

RULE XXIII.

OF COMMITTEES OF THE WHOLE HOUSE.

1. In all cases in forming a Committee of the Whole House the Speaker shall leave his chair after appointing a chairman to preside.

2. Whenever a Committee of the Whole House finds itself without a quorum the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. DAVIS, of North Carolina. I move to amend the third clause of Rule XXIII by adding the following.

The Clerk read as follows:

And this clause of Rule XXIII shall not be suspended when the amount involved exceeds $10,000, unless by unanimous consent.

Mr. DAVIS, of North Carolina. The effect of that rule is to require every bill involving an expense of $10,000 or more to be considered in the Committee of the Whole on the state of the Union before it can pass. I think the amendment is in the interest of economy and of judicious and discreet legislation, and I do hope it will pass.

Mr. COX. I move to strike out "$10,000;" for if it is good for $10,000 it will be good for any amount.

The CHAIRMAN. Does the gentleman strike out the words "when the amount involved exceeds $10,000?"

Mr. COX. Yes, sir; those are the words I move to strike out.

The CHAIRMAN. So it will then read: "And this clause shall not be suspended except by unanimous consent."

Mr. MILLS. Would that defeat the river and harbor bill on a two-thirds suspension?

Mr. DUNNELL. It seems to me the adoption of this rule would very frequently stop legislation—render it impossible for the House to transact the business which might be before it. We might be on the very last day of a session passing an appropriation bill and might wish to suspend the rules to pass the bill, which, in the history of the House, very frequently is necessary, and yet we are here putting ourselves in the power of one objector, who can prevent the passage of any appropriation bill. The two-third rule is guard and protection enough to a House of Representatives responsible to the people under the Constitution. It seems to me we are tying ourselves down by a rule which we shall be compelled to disregard. Are we not to be trusted in the transaction of public business? A two-third vote ought to be sufficient protection. Here we are asked to adopt a rule so one man may defeat the passage of a bill. I think this is a dangerous rule to adopt.

Mr. DAVIS, of North Carolina. Mr. Speaker, we have now under an amendment that was adopted yesterday a rule which requires the yeas and nays to be taken on all measures. That rule, I suppose, like all other rules, can be suspended. I think there are many cases where it would be proper to suspend the rules where the amount involved is small, as for instance in pension and other small claims coming from the Committee on Invalid Pensions or other committees. But for one I desire that every bill requiring the appropriation of a greater amount of money than $10,000 shall be considered in the Committee of the Whole where amendments may be proposed, and where they may be considered.

We all know the manner in which the river and harbor bill—and I speak not in any sense in hostility to the committee from which these bills have been heretofore in the habit of coming—but we all know that under a suspension of the rules these bills have been passed without an opportunity for considering or amending them in any form. They have been passed as they come from the committee, and I submit there can be no danger when any appropriation of money is considered in Committee of the Whole. But there is danger even of two-thirds of this House agreeing to pass through under a gag-law bills like the river and harbor bill, which cover many items.

Mr. DUNNELL rose.

The CHAIRMAN. The Chair desires to state that he has not held the gentleman in this instance to the strict rule, but he gives notice that hereafter he will do so. The gentleman from North Carolina addressed the committee and took his seat, and by a strict construction of the rules he would not have been permitted to address the committee again. The Chair, however, allowed him to do so and will now grant the gentleman from Minnesota the same privilege.

Mr. DUNNELL. I wish to say, in reply to the gentleman who has just addressed the committee, that I do not suppose the House will adopt the rule that was made yesterday on the motion of the gentleman from Kentucky. While the gentleman very well stated his side of the case, I do not believe the House will adopt the rule that the gentleman introduced.

Now, for one, I hope that we will get through with this new code, and that the House will adopt it in some form as an improvement upon the old system. I desire to vote for it, and I will vote for it as it stands rather than see it defeated. But with reference to that portion of the report of the Committee on Rules which has not yet been passed, I sincerely hope that it will not be loaded down with amendments like we adopted on yesterday, to which I have referred, and like this which the gentleman here proposes.

Mr. SAMFORD. I desire to offer the following as an amendment.

The Clerk read as follows:

Provided, That a bill may be passed under a suspension of the rules by a two-thirds vote taken by yeas and nays without going to the Committee of the Whole.

The CHAIRMAN. The gentleman from North Carolina proposed an amendment, and the gentleman from New York [Mr. COX] proposed an amendment to that amendment, and until that is disposed of no other amendment can be in order.

Mr. SAMFORD. I understand that the gentleman from North Carolina accepts the amendment which I have offered.

Mr. DAVIS, of North Carolina. I do accept the amendment.

The CHAIRMAN. The amendment of the gentleman from Alabama is in order.

Mr. SAMFORD. The object of that amendment is not to prevent the necessary restrictions which should be thrown around the disbursement of money. Many cases will arise such as have been suggested by the gentleman from Minnesota where we will not have time to put these bills into the Committee of the Whole for consideration,

but this amendment will require sufficient consideration so that members of the House may be able to consider these bills before they are voted on, as it will require a two-thirds vote by yeas and nays to suspend this rule. At the same time it will not destroy that salutary restriction which should be thrown around every money bill.

The CHAIRMAN. The Chair understood the gentleman from North Carolina to say that he accepted the amendment of the gentleman from New York. Was that correct?

Mr. DAVIS, of North Carolina. It was.

The CHAIRMAN. And now the gentleman accepts the amendment proposed by the gentleman from Alabama also, which takes the gentleman's original amendment away from the committee, and the question, therefore, now is upon the adoption of the amendment proposed by the gentleman from New York.

Mr. COX. I would like to hear the amendment of the gentleman from Alabama read again.

The amendment was again read.

Mr. HAWLEY. Now let us have the whole amendment.

The CHAIRMAN. That is the whole of it.

Mr. COX. I have not accepted the amendment myself.

Mr. SAMFORD. The gentleman from North Carolina accepted the amendment of the gentleman from New York.

The CHAIRMAN. The Chair will state the question. The gentleman from North Carolina proposed an amendment, and the gentleman from New York also proposed an amendment, which was accepted by the gentleman from North Carolina, as the Chair understands. Then the gentleman from Alabama offered an amendment, which the gentleman from North Carolina also accepted, so that the only proposition now before the committee is the amendment proposed by the gentleman from Alabama, which has been read.

Mr. COX. I propose now to address myself to the amendment suggested by my friend from Alabama. That proviso seems to be based on the idea that a two-thirds vote can suspend the rules at any time, while our rules only fix certain times when it may be done, as, for instance, on Monday and the last six days of the session.

Mr. SAMFORD. I am in favor of all restrictions being thrown around our legislation which it is possible to have. But cases may arise when it is absolutely necessary that there should be legislative action, and if you have the rules so that you cannot suspend them at all you will occasionally be in a bad fix.

Mr. COX. I will not detain the committee, as I know the anxiety of my friend from Kentucky [Mr. BLACKBURN] to get on with the rules. I am in favor of having every money bill that comes here discussed in Committee of the Whole. I am opposed to any bill of a money character going through without debate and without amendment. We only truly represent the people when we stand upon that principle.

Mr. CLYMER. My objection to the proposition of the gentleman from Alabama is that while now we can only move to suspend the rules on Monday, his amendment would make such a motion in order on any day. The effect of it would be to give us an eternal Monday.

Mr. REAGAN. The rule as reported by the committee, it seems to me, covers all that is necessary; and I do not see the necessity of the House putting itself in a strait-jacket so that it cannot do anything. We have all the necessary safeguards in the rules reported by the committee; and if gentlemen want the revision of the rules to be adopted they had better not fix them so as to compel the rejection of the whole codification. This should be considered when it is proposed to provide restrictions additional to those reported by the committee.

The question being put on Mr. SAMFORD'S amendment, it was not agreed to.

The Clerk resumed the reading of Rule XXIII and read as follows:

4. In Committee of the Whole House on the state of the Union the bills on the Calendar shall be taken up in their order; but when objection is made to the consideration of a bill a majority of the House shall decide without debate whether it shall be disposed of or laid aside for the present.

5. When general debate is closed by order of the House any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. PAGE. Clause 5 limits the debate on any amendment that may be offered in Committee of the Whole to an appropriation bill or any other bill to two speeches of five minutes each after general debate has been closed. It seems to me that is bringing the thing down to a very narrow limit.

The CHAIRMAN. That is the rule now.

Mr. PAGE. Then the rule is not enforced now.

Mr. HAYES. You can move formal amendments.

The CHAIRMAN. It is the identical rule which now exists.

The Clerk resumed the reading and read as follows:

6. The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

7. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House. But before the question of concurrence is submitted, it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate.

8. The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

RULE XXIV.

ORDER OF BUSINESS.

1. Each Monday morning, during a session of Congress, all the States and Territories shall be called in their alphabetical order for bills, joint resolutions, and memorials of State and Territorial Legislatures, and House resolutions, for reference; and, on this call only, resolutions of inquiry directed to the heads of the Executive Departments shall be in order, to be submitted and referred to the appropriate committees, which shall report thereon to the House within one week.

Mr. MILLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 6 of the first paragraph of Rule XXIV strike out all after the word "submitted" and insert as follows:

And said resolution shall lie upon the table; and the mover or proposer of such resolution shall be permitted to call up the same after the reading of the Journal during any time after the expiration of one week and have the same submitted to a vote of the House without debate.

Mr. MILLS. I have submitted this amendment to my friend from Maine, [Mr. FRYE,] and he approves of it. I will explain it briefly to the Committee of the Whole, and when I have done so I am sure there will be no objection to it.

Under the existing rule a resolution calling for information is required to be referred to a committee, and that committee is authorized and required to report within a week and then the House can act upon it. The Committee on Rules in this revision also authorizes the committee to whom a resolution of inquiry is required to report within a week; but the report when it is made goes on the Calendar. You have then to wait until that point of the Calendar is reached, and it may be three or four months before you can get the information. This amendment simply requires that a resolution calling for information shall lie upon the table, after being submitted and read, for one week, that everybody may have time to think of it, and that after one week the proposer can call it up and submit it without debate to a vote of the House.

The amendment was agreed to.

Mr. DUNNELL. I wish to ask the gentleman from Kentucky [Mr. BLACKBURN] one question. As I understand, by this first clause of the twenty-fourth rule what is known as the morning hour on Monday is dispensed with, and all the States and Territories shall be called for the introduction of bills, joint resolutions, &c.

Mr. BLACKBURN. Yes, and in their alphabetical order.

Mr. RANDALL, (the Speaker.) So that on Monday every Member representing a State and every Delegate from a Territory who has bills, &c., to present for reference shall have that opportunity.

Mr. DUNNELL. That is right.

Mr. GILLETTE. I offer as an amendment, to come in after the first paragraph, what I send to the desk.

The Clerk read as follows:

Each member of this House shall be entitled to introduce one bill upon one general subject during each Congress and to report the same upon his own authority for reference to its proper Calendar, and shall be recognized for that purpose by the Speaker during the call of States for bills on Mondays. These bills shall be known as *individual bills*, and shall be so designated upon their face, and shall be printed and placed upon their proper Calendar the same as if reported by some committee of this House.

Mr. GILLETTE. Mr. Chairman, each member of this House represents about one hundred and fifty thousand American citizens. When we come here charged by the votes of our constituents with some special duties, the introduction of some measures or policy dear to them, we come as *absolute equals*, as we were designed to be by the founders of this Government. But we are hardly seated in our places before three-quarters of us are sent to the rear, or, perhaps, I should say, pigeon-holed in committees, whose duties, if they have any, are utterly foreign to our mission here, and we find ourselves ciphers, or the next thing to it, in this congressional machine, and find it impossible to get a solitary measure before this House for consideration unless by the grace of a handful of our brother members who were sent to the front by the same *ipse dixit* that sent us to the rear. Without a solitary vote of this House, before we knew it, in the twinkling of an eye, a Chinese wall of distinction was built up between the ins and the outs—between a half dozen committees and the rest of the members. In short, the purest despotism in the world was organized over our heads, and it was done by these rules, which we are asked to perpetuate, which we have tried to republicanize a little by dividing up the responsibilities between more committees, but have almost entirely failed. Now, I ask for one crumb of justice to each district in the United States; I ask that each member shall know when he comes that during his two years of congressional duties he may be able to bring to the consideration of this House *one measure* in deference to the desires of his constituents, in deference to his pledges to the people.

I claim that under my amendment these individual bills would be as well or better considered than if in the hands of a committee, because the reputation of each member presenting them would be at stake, and these bills would embody the wishes of each congressional district. My measure would simply open one door for the direct rep-

resentation of every section of the country upon this floor. It is not a partisan measure, but a national one in the interest of democratic government. Every man in my presence knows that I speak only the truth when I say that under these rules even a majority is helpless in this House. For example, last session we voted by a handsome majority in favor of an income-tax bill, but it failed to pass because not reported by a committee, and although a majority of us desire to pass such a bill, we have not a committee in this House that will report it and let us vote upon it. More than one hundred members were sent here pledged to vote for the retirement of all national-bank notes and the issue in lieu thereof of United States money; pledged to restore to the nation the greatest prerogative of sovereignty, the control of the circulating medium. The only committee that could report a bill for this object are as dumb as an oyster, and will remain so, notwithstanding they have had a perfect shower-bath of bills referred to them by the House for this purpose. I mention this to show how this House is hampered and tied and gagged by these autocratic rules. and to appeal to every representative of freemen on this floor to demand this one measure of equality for the people of his district that this House may be in some sense a House of Representatives of the people. I know the great committees that control us will object, but I appeal to the men all over this House, the three-quarters that are frozen out and sent to the rear, to stand by my demand that each shall have one chance in two years before this body. The people all over this country are groaning under rings and monopolies. Centralization in railroads gives them railroad kings to extort crushing tribute from them; centralization of capital, with corrupt class legislation, gives them over two thousand national-bank presidents, who organize with such power as to control the machinery of this Government and defy its authority, while they lay heavier burdens upon the people than they can bear.

These and other abuses could not stand an hour outside but for the more dangerous centralization in this House; for it is utterly impossible to get a single measure of substantial relief before this body under these rules. There are rings everywhere, but the head-center of all rings is right here, created by these rules, and every bill introduced for the overthrow of centralization and rings outside has to run the gauntlet of the centralization and rings in this House, and if we are not men enough to take the control and give this House a republican government where one Representative stands upon the same footing as another, and each member has a right to bring at least one measure before this body, then we can never hope to reach the monopolies outside that are crushing the people and meancing their liberties. Physician heal thyself!

In England during the latter part of the last and early in this century, when the right of franchise was extremely limited, all the elective offices were purchased of the voters in open market by the most unblushing bribery. As soon as the right of suffrage was greatly extended it became impossible to bribe the voters, and purity of elections ensued. So it is in this House. If equal rights can be extended to all the members it will at once become impossible for corporations and capitalists to control legislation.

I have heard of slaves so degraded that they would advocate slavery as preferable to freedom, but it is the greatest wonder of the world that honored Representatives of proud, free American citizens will stand up in this House and vote away their rights and the rights of their constituents, imposing upon themselves fetters and disabilities of every kind by these rules, drafted in the interest of the cunning few—drafted by members who now enjoy the best offices in this House, by leading republicans and democrats who have pooled their issues in order that they may continue to hold the key to legislation that belongs by every principle of justice equally to us all. They leave no stone unturned in their efforts to persuade all the members to vote for these rules. Whenever it is necessary the party tiger is brought out on either side in order to fill the minds of members with party prejudice and in the heat of passion induce them to vote their rights away.

I protest against a system of government for this House which cuts off from this body the pulsations of the American people, which practically counts out the rural districts and gives the control of the nation into the hands of eastern cities and corporations. I warn all who hear my voice that if these rules as reported are to be the law of this body, the greatest danger to our liberties lies right here, in a centralized government, not a representative one—a government practically out of the reach of the masses of the people.

Mr. GARFIELD. The gentleman ought to extend the time of each Congress five years in order to carry out such a rule.

The question being taken on Mr. GILLETTE'S amendment, there were—ayes 53, noes 74.

Mr. LOWE. A quorum has not voted.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. BLACKBURN, and the gentleman from Iowa, Mr. GILLETTE.

The committee again divided; and the tellers reported—ayes 50, noes 93.

So (further count not being insisted on) the amendment was not agreed to.

Mr. GILLETTE. I offer now the amendment which I send to the desk, to come in as a separate clause after the first clause of Rule XXIV.

The Clerk reads as follows:

Each member of this House shall be entitled to introduce one bill upon one general subject during each Congress, to be known as an *individual bill*, and to be so marked upon its face, which shall be referred to its proper committee for consideration and report. These bills shall be reported to the House within four weeks of the date of reference, with the committee report thereto attached, and shall go upon the proper Calendar with the report of the committee, whether that report is favorable or adverse, and in case they are not reported by the committee within the specified time, they are to be placed upon the Calendar as if reported for the action of this House.

Mr. GILLETTE. I think I have left out everything which in the amendment just voted upon might have been looked upon as objectionable by any member of this House. These bills, under the arrangement I now propose, would go to the appropriate committees, and there would be one month for the committee to discuss and report them. The amendment simply opens the door so that each district of the United States can get before this House any measure on which its Representative particularly desires action, at least once during the existence of a Congress.

The question was taken upon the amendment of Mr. GILLETTE; and upon a division there were—ayes 25, noes 87.

No further count being called for, the amendment was not agreed to.

The Clerk read as follows:

2. On all days other than Monday, as soon as the Journal is read and approved, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed; and the Speaker shall call upon each standing committee in regular order, and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business, but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

Mr. WILLIAMS, of Wisconsin. I move to amend the clause just read by inserting, after the words "shall be appropriately referred and printed," the words "and a copy thereof mailed to each Member and Delegate;" so that the clause, if amended will read as follows:

On all days other than Mondays, as soon as the Journal is read and approved, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and a copy thereof mailed to each Member and Delegate, &c.

Mr. BLACKBURN. Let me say to the gentleman from Wisconsi that I have no authority from the Committee on Rules to accept hi proposed amendment; but for myself I have no objection to it.

Mr. GARFIELD. I think it is a good thing.

Mr. BLACKBURN. So do I.

Mr. RANDALL, (the Speaker.) If the amendment shall be adopted, then no member would ever have the right to say that he was not informed, because if he did not obtain the information under this proposed amendment it would be his own fault.

A MEMBER. It might use up all the copies that were printed.

Mr. GARFIELD. There are 1,500 copies printed, and the effect of this amendment would be merely to provide each member with a copy in his own room. I think it is right.

Mr. ROBINSON. The amendment proposed does not impose this duty on any person in particular. It merely says "shall be mailed," but does not say by whom.

Mr. WILLIAMS, of Wisconsin. It merely refers to bills which are reported from committees.

Mr. ROBINSON. I agree that it should be done, but who is to do it?

Mr. BLACKBURN. It can be done by the clerk.

Mr. WILLIAMS, of Wisconsin. Let them be mailed as the RECORDS are mailed.

Mr. BLACKBURN. I would suggest the insertion of the words "by the Clerk."

Mr. WILLIAMS, of Wisconsin. I have no objection to that.

Mr. KEIFER. It may be imposing too much duty on the Clerk.

Mr. GARFIELD. Insert the words "by the Public Printer."

Mr. WILLIAMS, of Wisconsin. I will accept that suggestion.

Mr. KEIFER. If those words are not inserted that would be the result.

The question was then taken upon the amendment as modified, and it was adopted.

Mr. DUNNELL. I have heard some discussion in regard to the construction that would be put upon this sentence of this pending clause: "there shall be a morning hour for reports from committees, which shall be appropriately referred and printed." The question that arises in my mind is whether it would be competent for the member of a committee reporting a bill to ask that it be put on its passage; or whether this is intended to be an iron arbitrary rule, sending each report so made to its proper calendar.

Mr. BLACKBURN. The Committee on Rules have in this proposed revision sought to do away with the practice of consuming the morning hour in the consideration of bills that may be reported, and to provide for sending each bill when reported to its place upon the proper calendar. This clause of the twenty-fourth rule was framed with that view. It is the purpose, and the purpose will be accomplished if this revision is adopted by the House, to put a stop to the consumption of the morning hour by the consideration and discussion of any report made from a committee in that hour.

Mr. DUNNELL. The question was whether, in case I should make a report from a committee, I would be in order to ask for the consideration and passage of the bill so reported.

Mr. CLYMER. You would be in order to ask it, but it would require unanimous consent.

Mr. BLACKBURN. My construction of the clause is this: unanimous consent could be granted for that purpose by the House, for the House can do anything by unanimous consent; but it could not be done otherwise.

The Clerk read the following:

3. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

Mr. WILLIAMS, of Wisconsin. I move to amend the clause just read by adding thereto what I send to the Clerk's desk.

The Clerk read as follows:

Add to clause 3, Rule XXIV, the following:

Nor shall it be in order at any time for the Speaker to ask that business be transacted by unanimous consent, except to dispense with the reading of papers, grant leave of absence, and present executive communications or other papers or make such communications as are proper for the Speaker to do; but where unanimous consent would otherwise be required to transact business the question, upon motion, shall be decided by the House without debate, which motion shall be subject to a call for the regular order of business by ten or more members, and shall not prevail unless sustained by a two-thirds vote of the members present and voting.

Mr. RANDALL, (the Speaker.) Will the gentleman explain the effect of his amendment?

Mr. WILLIAMS, of Wisconsin. On another occasion I spoke somewhat at length upon this proposed amendment. I desire now only to state its effect as I understand it. It is this: that no business shall be done here by unanimous consent, but where unanimous consent would otherwise be required, it shall be determined by a two-third vote, and that motion be subject to a call for the regular order by ten or more members.

Why should any one desiring unanimous consent object to this? If unanimous consent can be obtained, of course a two-thirds vote can be, for the greater includes the less. So that the only possible objection there can be is that it would take a little more time to obtain consent in this way, and that is just what I think very desirable and important. On the other hand, if the members demand the regular order, or if, for instance, the members of a committee desire to go on with the regular business before the House, being ten or more, they can call for the regular order; and the motion for the purpose now requiring unanimous consent cannot be submitted to the House at all.

In other words, the object is to take from one man the power to block the wheels of legislation in this House, and invest it in ten or more. How many times within the last two weeks have we seen the business of the House clogged and jeopardized by a single objection? When we wanted to reach the fishery bill the other day, it was said that against objection it would take two hours to do it under the rules as they now stand, though if the proposition had been put to a vote of the House, nine-tenths of all the members would have voted to take that bill up. Yet they were powerless under a single omnipotent objection. I desire to cast no reflection on the gentleman objecting, first because I have no idea who he was, and second because he was exercising his undoubted right under the rules of the House, of which nobody had any right to complain. This amendment will put it in the power of ten men, instead of one, to say when the regular order of business shall be delayed, and put the matter under the control of the vote of two-thirds of the members, instead of a unanimous vote.

Look at the condition of business here. On every Monday morning, even at this stage of the session, one hundred and fifty, one hundred and sixty, or one hundred and seventy-five new bills pour in like a cataract. Then from ten to twenty-five more are brought in by unanimous consent on every morning of the week. This badgering for unanimous consent must be a burden upon the Speaker. He is importuned by members for preference. And yet such proceeding rests wholly upon the temper and caprice of a single member. We crowd down in front of the Clerk's desk with bills or resolutions or propositions of which the House knows nothing, each seeks recognition. The Speaker does the very best he can, discriminating between members, I think, fairly. All at once some member whose breakfast possibly distresses him, demands "the regular order." A few members have succeeded in getting recognized, and the rest go away disgusted, not ruled down by the Speaker or the House, but put down by a single member. Could anything better confirm Hatsel's doctrine that "it is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members." Yet what more completely breaks up uniformity and promotes confusion than the scenes I have alluded to.

Memorials are presented with the request that they be printed in the RECORD, by unanimous consent. My friend, the gentleman from California, [Mr. PAGE,] I believe, succeeded the other morning in having a memorial published in that way, and I was glad he did. I admired his pluck and push to get recognized; but immediately afterward some gentleman on the other side asked a similar favor; some member shouted "regular order!" as though he had awakened from a nightmare; and that memorial went the way of all the unfortunates to the petition-box.

Now, why should not this power of objection be taken out of the hands of one man and placed in the hands of ten or more? And what objection can there be, when the request for unanimous consent or its equivalent is asked, that we stop a moment, let the question be stated by the Speaker, let the House get full possession of it and understand just what is going on, then, when objection is asked for, let ten or more object if they desire, and, if not, let the question be put and decided by a two-thirds vote of the members? Who can object to this unless he does not want time, but wants these matters to go through under whip and spur before members can really know whether they wish to object or not? The effect of the amendment would be to put the House fully in possession of matters proposed, give it a moment to reflect, and enable it to act intelligently. At least that is what I desire by the proposed amendment, and if its effect should be to prevent the too frequent granting of unanimous consent I do not think it would be any the worse for that.

[Here the hammer fell.]

The question being taken on the amendment of Mr. WILLIAMS, of Wisconsin, it was not agreed to, there being—ayes 49, noes 68.

The Clerk read as follows:

4. After the hour shall have been devoted to reports from committees, the consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed, and at the same time each day thereafter, other than Monday, until disposed of; and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order.

Mr. FRYE. I am instructed by the Committee on Rules to propose certain amendments to this clause, which are rendered necessary by the adoption of an amendment which I offered at the request of the committee a few days since. I move to amend by inserting after the word "committees," in the first line, the words "it shall be in order to proceed to;" by striking out in the third line the words "shall be resumed;" by inserting in the fourth line, after the word "and," the words "it shall be in order to proceed to;" and in the fifth line, by striking out the words "shall be resumed."

Mr. GARFIELD. These are all formal amendments, necessary merely in order to make this clause conform to the previous action of the Committee of the Whole.

Mr. FRYE. With these amendments the clause will read as follows:

After the hour shall have been devoted to reports from committees it shall be in order to proceed to the consideration of the unfinished business in which the House may be engaged at an adjournment; and at the same time each day thereafter, other than Monday, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

Mr. RANDALL, (the Speaker.) I wish to direct the attention of the gentleman from Maine [Mr. FRYE] to the necessity of another amendment in this clause. One of the amendments which the Committee on Rules recommend for adoption is to provide in the twenty-eighth rule that motions for a suspension of the rules shall be in order only on the first and the third Monday of every month, so that the other Mondays of the month shall be devoted to the business of the House in the same manner as on any other day of the week. I suggest, therefore, whether in this clause the words "other than Monday" should not read "other than the first and the third Monday."

Mr. FRYE. I suggest to the gentleman from Pennsylvania, the Speaker of the House, whether it is not proper to make first the amendments required by the action of the Committee of the Whole already taken; and then no doubt unanimous consent will be given that if the twenty-eighth rule should be amended in the manner indicated, we may return to this clause and amend it so as to conform to that action.

Mr. WEAVER. We do not want to do anything now that will bind the House to adopt the amendment which the gentleman from Pennsylvania, the Speaker of the House, has indicated.

Mr. RANDALL, (the Speaker.) Of course not. All we want is opportunity to make the rules consistent in all their parts.

The CHAIRMAN. The Chair understands that the request is simply that, if certain amendments be adopted to Rule XXVIII, the Committee of the Whole shall have the privilege of returning to the pending clause for the purpose of making it conform.

Mr. FRYE. That is it.

The CHAIRMAN. The Chair understood the gentleman from Maine to move to amend so as to provide, "it shall be in order to proceed to the consideration," &c. Does the gentleman mean that, or does he mean to make the language read, "it shall be in order to entertain a motion that the House do now proceed to the consideration," which is the language used in the next clause of the same rule with regard to business on the Speaker's table?

Mr. FRYE. I understand the meaning to be the same. The language I have suggested is that used in clause 2 and in two or three other places.

Mr. WARNER. I suggest to the gentleman from Maine whether or not in the third line of this clause the language should not be "may have been engaged" instead of "may be engaged." It refers to a previous stage of proceeding.

Mr. HAWLEY. "May have been engaged" is better.

Mr. FRYE. I have no objection to including that modification in my amendment.

The amendment of Mr. FRYE, as modified, was adopted.

Mr. FRYE. Was unanimous consent given that, if the twenty-eighth rule should be amended, we might return to this clause and amend it so as to harmonize with Rule XXVIII?

The CHAIRMAN. The chair understood such consent to be given;

but if any gentleman desires to object he can do so now. [A pause.] The Chair hears no objection.

The Clerk read as follows:

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, which, prevailing, the Speaker shall dispose of in the following order:

First. Messages from the President and other executive communications.

Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

Third. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all other motions touching their disposition.

Fourth. Engrossed bills and bills from the Senate on their third reading.

Mr. HAWLEY. That is not elegant. "Unfinished business having been *disposed of*, it shall be in order," &c., then "to *dispose of* the business upon the Speaker's table." Say "the House shall now proceed to the business upon the Speaker's table."

Mr. BLACKBURN. I do not hear the gentleman from Connecticut.

Mr. HAWLEY. I am suggesting a verbal correction in the second line of this clause, so it shall read, "the House shall now proceed to the business upon the Speaker's table," instead of saying, "to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table." The word "dispose" is used three times where it is unnecessary.

Mr. FRYE. That is all right.

Mr. BLACKBURN. Very well; let the amendment be made.

The amendment was agreed to.

The Clerk read as follows:

6. Business on the Speaker's table having been disposed of, it shall then be in order to entertain motions in the following order, namely:

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar.

Second. To proceed to the consideration of business on the House Calendar.

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

Mr. WHITE. I move to amend the third division of this sixth clause, as follows:

Friday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.

That is identically the old rule known as Rule 128. That is specific and well understood by repeated interpretations in this House. The difference between that and the proposition reported by the committee is, that the proposition reported by the committee makes it in order every Friday after the reading of the Journal for the Speaker to entertain a motion to go into the Committee of the Whole for the consideration of the Private Calendar. There it stops. The practice hitherto and as now understood under the old rule is to give private business preference all the time.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. WHITE. Certainly.

Mr. BLACKBURN. If the gentleman will look on the same page to Rule XXVI, I will ask him whether that does not meet his objection. That rule provides that Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a majority of the House.

Mr. WHITE. I see that if this proposition is adopted it will do away with the necessity for Rule XXVI.

Mr. BLACKBURN. I call the gentleman's attention, if he will allow me, to the fact that this is the third division of the sixth clause of the twenty-fourth rule which he is now proposing to amend. We are not determining the right of that character of business on Friday, but simply describing here the order of business. The committee thought it was of sufficient importance to give one separate independent rule to the priority of private business on Friday.

Mr. WHITE. The gentleman will observe that the verbiage of this clause of the rule will be the rule of proceedings for the House, and it is somewhat in conflict with the provisions of Rule 128. Why the necessity of changing a rule which is so well understood and which has been so thoroughly administered here?

Mr. BLACKBURN. We mean to do the same thing the gentleman proposes.

Mr. WHITE. I withdraw my amendment.

Mr. CALDWELL. After the word "and," in the fourth line of clause 3, insert the following:

If this motion prevail, on each alternate Friday pension bills on the said Calendar shall have precedence in consideration.

I simply desire to say that amendment is offered by direction of the Committee on Invalid Pensions. It is a well-known fact to the members of this House that fully one-half, if not more, of the private bills which go on the Calendar are pension bills either for increase of pension or in the nature of an appeal from the Pension Bureau. If it is the purpose of this House to give to those bills a fair opportunity to be passed, then, it occurs to the committee, it is but right to give to them the precedence at least two Fridays in the month. That is the view of the committee on the subject, and that is the reason we have offered the amendment.

Mr. WHITE. How will it read then?

The CHAIRMAN. The Clerk will report the clause as it will read if amended.

The Clerk read as follows:

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole, House to consider business on the Private Calendar; and if this motion prevail, on each alternate Friday pension bills on said Calendar shall have precedence in consideration. If this motion fail, then public business shall be in order as on other days.

Mr. WHITE. I was going to make this remark: I am opposed to the amendment offered by the gentleman from Kentucky. I understand the motive which prompts him to offer this amendment. He states that it comes from the Committee on Invalid Pensions. All right, and then the pension claims of soldiers appeal to our every sense of gratitude and magnanimity. But I will remind that gentleman and the House that pension bills are not the only ones that come here and which go on the Calendar in which we are called upon to relieve soldiers. The experience of every gentleman who has been here for two years is that there are quite as many bills relating to back pay and mustering out or for removing some disability of soldiers as there are for pensions, and I submit that if we give this Pension Committee the privilege here asked for, it should be extended to all these other classes of claims to which I refer.

Mr. CALDWELL. I would suggest to the gentleman that he prepare an amendment to include what he desires. I have no objection to it.

Mr. WHITE. Then I will offer to amend by inserting the words "or for the relief of soldiers."

Mr. WARNER. Mr. Chairman, I think that any amendment of this kind must be entirely unavailing for the accomplishment of the object which the gentleman has in view in proposing it. If this House should do no other business from now until the end of the session—indeed, Mr. Chairman, if we should sit here from now until the first Monday of December next, and devote three hours a day every day to the consideration of the pension bills now pending before the two Houses of Congress and give ten minutes to each case, we could not get through the list. Even if we gave but five minutes' consideration to each one of these cases, and if we sat here for four months and did no other business, we would be unable to get through with the pension claims alone.

Now, I suggest, therefore, to the gentleman who represents the Committee on Invalid Pensions in offering this amendment, that some other means should be adopted for disposing of these cases than by the method which he proposes. It is due to this House, and it is due to those who are entitled to pensions and who should long ago have had their pension dues, that some better mode of disposing of these claims should be adopted than that offered here.

Mr. STEVENSON. I would like to ask the gentleman from Ohio what other plan than the one suggested by the amendment offered by the gentleman from Kentucky he would propose?

Mr. WARNER. I will answer the gentleman.

Mr. STEVENSON. I would like to have the gentleman suggest a plan or present a motion by which these bills can be disposed of in the speedy manner he wishes.

Mr. WARNER. Then I will suggest one, because I think the plan proposed here in this amendment is entirely inadequate. I think there should be a commission constituted to which all of these appeals from the decision of the Commissioner of Pensions should be referred, and only such cases brought before Congress as are not covered by the general law, but at the same time are clearly equitable.

The idea, Mr. Chairman, that this House, composed of two hundred and ninety-three members, paid $5,000 a year each, to sit here as a court of appeals to consider cases brought from the Pension Bureau, making of this House a mere appendage to that bureau, is in my opinion simply ridiculous.

Why, if we should give fair consideration to pension cases, give the time that it would seem ought to be given to them, we could not get through this session with the cases that are now on the Calendar from Pennsylvania alone. We might perhaps then reach Indiana next session and some other State three or four years hence; or we might take in a few from each of the States and leave the rest out, as we inevitably must under this system. Moreover, Mr. Chairman, at best, while we proceed in this way we do but poor justice. Rather I think we do much injustice. A claim is presented, for instance, for an increase of pension for a certain disability and it is granted, but there may be and probably are, one, two, or five hundred like cases. But only the one who has pressed his claim to a consideration here or who has been fortunate enough to get it on the Calendar gets the increase, while his comrades, equally worthy, are left without it. Such cases should be classified, and if deemed right to give an increase of pension, all of a class should have the same benefits, all should be treated alike.

I think, therefore, this amendment ought not to be adopted, but that a commission of some kind should be established to which an appeal can be taken, and by which all such cases as are now brought here may be considered and be judicially determined, and at the same time those who are not entitled to pensions and all fraudulent claims be kept out. That would not only be in the interest of economy, but in the interest of all meritorious soldiers who are claimants for pensions.

Mr. COFFROTH. I would like to ask the gentleman how many cases there are from Pennsylvania now on the Calendar?

Mr. WARNER. If you were to devote but a very short time to the consideration of each one and call the roll on its passage, as proposed in the new rules, there is no knowing when you could get through with them. Suppose a half hour's consideration to be given to each case, including roll-call, where would we be?

Mr. COFFROTH. The gentleman thinks that all the cases reported by the chairman of that committee came from the State of Pennsylvania; but he is mistaken.

Mr. WARNER. I said no such thing; the gentleman has entirely misunderstood me. I do say this House cannot get through, with the consideration they ought to have, the cases that are on the Calendar from a single State, and that is reason enough why the system should be changed.

Mr. COFFROTH. From his own State one of his colleagues put in one hundred and eight petitions at one time; and the gentleman from Ohio ought not to complain about any other State.

Mr. WARNER. I am making no complaint about that State, but say that we cannot reach them all in five years the way we are doing.

Mr. STEVENSON. Mr. Chairman, I rise to support the amendment offered by the gentleman from Kentucky, [Mr. CALDWELL.] This amendment was proposed under instructions from the Committee on Invalid Pensions, and, I trust, will receive the sanction of the House. It is well known, sir, that a large number of meritorious bills granting pensions are now upon the Private Calendar. These bills are continued from week to week for the sole reason that under the present rules, and with the various interests of a great country pressing upon us, we have no time to consider them. The House has shown no disposition to reject any of these bills when reported by the committee, but they remain upon the Calendar undetermined for the sole reason, as I have said, that there is no time to pass them.

Now, sir, let us pass this important amendment to the rules. Let a time be set apart exclusively for the consideration of bills of this character. However important other legislation may be, there is none which imposes upon us an obligation more sacred than this. No obligation can rest upon this Government so nearly affecting its honor as that which it owes to its soldiers. The first duty of the Government is to its defenders.

As is well known, Mr. Chairman, many applications of a meritorious character have been rejected by the Commissioner of Pensions because of a failure of the applicant to comply with the strict regulations of the Department in the matter of proof. In many instances such compliance was impossible, and the applicant for a pension, maimed and crippled though he be, is turned away empty. The vexatious delays in our Pension Department have become a reproach to our country. Turned away from the Pension Department upon a technicality, the only hope of the applicant is in an appeal, not to the mercy, but to the justice of Congress. This can only be meted out by special acts.

But, sir, what avails the diligent labors of the Committee on Invalid Pensions if the bills they have considered and reported upon favorably are to find a grave upon the Private Calendar of this House?

Mr. WARNER. Will the gentleman allow me to interrupt him? I yielded to him.

Mr. STEVENSON. I yield to the gentleman.

Mr. WARNER. Will the gentleman inform us how these claims are considered by the Committee on Pensions? What I said respecting the consideration that could be given all these claims by the House applies also to the consideration that can be given to them by the committee. The committee itself cannot give ten minutes to a case and get half through the list this session.

Mr. STEVENSON. In reply to my friend from Ohio, I will say that I assume and the House assumes when a bill is reported with a favorable recommendation by a committee, that such bill has received the attentive consideration of that committee. The business of this House could be done upon no other hypothesis.

The question before us is a practical one. I concede the difficulty, even under the most liberal rules, of considering all of the pension bills which may come before us. But the duty imposed upon us is imperative—is one from which we cannot escape.

The gentleman from Ohio insists that it is impossible for this House to pass judgment upon all of the pension bills upon its Calendar. If so, then, sir, let a commission be established by Congress as a final arbiter between the soldier and his Government, to which all applications of this character can be carried—a tribunal unfettered by the merciless technicalities of the Pension Department, but one whose aim, and only aim, shall be justice.

[Here the hammer fell.]

Mr. REAGAN rose.

The CHAIRMAN. Debate on the amendment is exhausted. The gentleman from Pennsylvania [Mr. WHITE] has moved to amend the amendment of the gentleman from Kentucky, [Mr. CALDWELL.]

Mr. CALDWELL. I accept the amendment of the gentleman from Pennsylvania.

Mr. REAGAN. I move to strike out the last word. It seems to me it is a strange procedure to assume that the Congress of the United States shall undertake to give special preferences to any particular class of meritorious claims pending before it. Are we to assume that the particular class of claims referred to have higher merits than those of the various other claims that come before Congress? The whole arguments that have been made tend to show that if Congress is to act upon these claims promptly and satisfactorily it can do nothing else, and they tend to the conclusion which many have reached long ago, that for the settlement of this question there ought to be a special tribunal organized that should consider claims whether for increase of pension or in the form of appeals from the Commissioner of Pensions. If speedy justice is to be done to the claimants and if justice is to be done also to the Government, that is the mode, it seems to me, gentlemen should pursue who desire to obtain it, instead of converting Congress into a commission for the determination of one class of claims upon its equity and comity in preference to others. It seems to me such a rule as is now proposed would be anomalous, unjust in its character, and improper, and I trust it will not be adopted.

Mr. FINLEY. I desire to occupy the attention of the committee for just one moment. I am in favor of the amendment of the gentleman from Kentucky, [Mr. CALDWELL.] I believe that precedence should be given to this class of bills. We have but one day in the week on which appeals of this class can be considered; and on Friday a fortnight ago, when the House was in Committee of the Whole on the Private Calendar, we observed that a few gentlemen making objections delayed or entirely prevented the passage or consideration of every bill that was read.

Mr. WARNER. They could not be considered on that day.

Mr. FINLEY. They could have been considered but for the objections of a few gentlemen made to their consideration.

Mr. WARNER. It was objection day.

Mr. FINLEY. I know it was objection day, and those bills would have been passed but for the objection of those gentlemen, for which they assigned no reason except that the bills were in the nature of appeals from the decisions of the Commissioner of Pensions.

I see no good reason why if a soldier believes he has not had full justice done him by the Commissioner of Pensions, after having his petition or case considered by the proper committee of this House, and a favorable report made upon it—I see no good reason why this House shall not consider it, and why this class of cases should not be given precedence over other classes.

Mr. REAGAN. I withdraw the formal amendment.

Mr. RANDALL, (the Speaker.) I renew it. I have every sympathy with the object in view as proposed by the Committee on Invalid Pensions; but I am not clear in my own judgment whether it is not better to leave pension cases to the magnanimity of the House. And I want to say here, to the honor and credit of every Congress in which I have served, there never has been any objection to giving special meetings for the consideration of pension bills.

Mr. CALDWELL. Was there not an objection to that the other day?

Mr. RANDALL, (the Speaker.) There was a single objection the other day; but immediately the Committee on Invalid Pensions came into this House and asked and got the opportunity to offer a motion to suspend the rules so as to give them a special sitting; and I do not believe there would have been ten votes in this House against the proposition to give to the Committee on Invalid Pensions an opportunity of presenting their bills and having them passed at a special session of the House.

Mr. COFFROTH. Was not a motion made to defeat that?

Mr. RANDALL, (the Speaker.) No, sir; I do not think that was the motive which caused the objection. On the contrary, I think a very different motive was at the bottom of the motion to adjourn, although I am not permitted to judge of men's motives.

Mr. COFFROTH. Did the motion to adjourn not defeat it?

Mr. RANDALL, (the Speaker.) It did not, because on Monday next it will be again reached. I repeat I would rather trust to the magnanimity of the House to pass pension bills. I have seen as many as twenty pension bills passed in the House—coming with favorable recommendation from the Committee of the Whole—passed in two minutes, and have known as many as one hundred and fifty pension bills to pass in a single evening session. It is better to trust to the generosity of the House than tie down its action by technical rules in doing justice to maimed soldiers of the Union Army.

Mr. ROBINSON. I would like to make a suggestion.

Mr. RANDALL, (the Speaker.) Certainly.

Mr. ROBINSON. I would suggest to the gentleman that if we shall proceed under the rule as amended yesterday, and call the yeas and nays on everything requiring an expenditure of money, we will not be able to pass many private bills.

Mr. RANDALL, (the Speaker.) When the House shall come to consider that proposition, if it shall incorporate it into the rules, the gentleman's criticism would be a just one. But it has not been adopted by the House.

Mr. ROBINSON. It has been adopted by the Committee of the Whole.

Mr. RANDALL, (the Speaker.) And even then we could except pension cases. But I really think it would be a great deal better for us to hold special sessions for the consideration of pension bills than to rely upon any particular day in the month, or perhaps two days in a month, for the consideration of such bills. I think, therefore, that in the interest of speedy action on pension bills, in the interest of maimed soldiers, it would be better not to change the rule.

Mr. WARNER. Will the gentleman allow me to ask him a question?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. WARNER. If pension bills are to be passed in the manner in

which the gentleman has stated they have been, a hundred in a few minutes——

Mr. RANDALL, (the Speaker.) No, sir; I said twenty in two minutes, and one hundred and fifty in one evening session.

Mr. WARNER. Even at that rate, would it not be better simply to say that we will at once add one thousand, or two thousand, or ten thousand names to the pension-roll, and let the committee, or some member of it, fill up the list?

Mr. RANDALL, (the Speaker.) I would do so, if the recipients are entitled to pensions and the Committee on Pensions so stated in their report. I would pass them as quickly as I could.

Mr. WARNER. So would I; but I would not have two hundred and ninety-three members of this House turned into a court of appeals for that purpose. That is not the way these cases should be passed upon.

Mr. WEAVER. Why not pass my soldiers' bill, and so settle the whole matter?

Mr. McMAHON. I desire to add my testimony to that of the Speaker of this House in regard to the favorable disposition of every House of which I have been a member toward our soldiers. I think I am correct in the statement that when the last House adjourned there were not fifty pension cases upon the Calendar undisposed of. The House had, by unanimous consent, set apart so many evening sessions for the consideration of pension bills that they were all disposed of, as I may say, with lightening speed, as my friend has intimated.

I want to say to my colleague [Mr. WARNER] that if he will consider the manner in which pension cases are passed upon by the Department, I cannot see why he should give to the decision of that Department any peculiar presumption which may not be overcome by the report of our committee. We all know that it is not the Commissioner of Pensions who passes upon these claims. He refers them to this clerk and to that clerk, to this division and to that division, and they are investigated by persons who, many of them, are not qualified at all to weigh testimony; by men who have become accustomed, as it were, to cut down the expenses of the Government, and who are always upon the side of the Government. If there is to be any presumption at all given to the conclusion of any tribunal I would rather take the conclusion of our Pension Committee as a final result.

I would also say to my colleague that when it comes to the question of money, to the question of giving the soldier his pension, back-pay, or bounty, I for one have always been willing to accept the report of the committee, if upon the face of the report the case appears to be a meritorious one. I have always been willing to accept that report as a final adjustment of the case, and always will be, until some other course is adopted; for instance, until there is established in this District a tribunal of three or five judges to consider these claims. And after all, who will they be? They will be but men. And in this House we have a committee of eleven or fifteen members to consider such cases.

Of course, we understand that these pension claims are referred to individual members; but they report to the whole committee which passes upon their reports. It may be that there is a little looseness in regard to this matter; but I would rather see looseness on the side of the soldier than against him. It has been the policy of this Government, ever since its foundation, to pension every man engaged in any of our great wars, after the lapse of a certain period of years from the close of that war.

Mr. BLACKBURN. It has not been done in regard to the soldiers of the Mexican war.

Mr. McMAHON. Such a bill as that has passed this House, and if it were not for the political questions which our friends on the other side are so much in the habit of bringing into the consideration of this subject, that bill would have become a law long ago.

Mr. RANDALL, (the Speaker.) I withdraw my formal amendment.

Mr. CALDWELL. I move to strike out the last word, for the purpose of saying that there is no doubt on the part of myself or any member in regard to the generosity of this House in reference to these pension bills. But there has been a disposition growing up, since the passage of the arrears of pensions bill, not only here, but on the part of distinguished leaders of both political parties elsewhere, to defeat as far as possible every bill introduced into this House that proposes to grant arrearages of pensions. The Speaker of this House, I understand, objects to the amendment I have offered.

Mr. RANDALL, (the Speaker.) Not to the object of it.

Mr. CALDWELL. I understand that; but he objects to my amendment for the reason, as he says, that we can have special night sessions set apart for the consideration of pension bills. The adoption of this amendment will not prevent that, but it will give us at least a fair opportunity to dispose of these bills.

There has been some criticism of the chairman of the Committee on Pensions [Mr. COFFROTH] in reference to the number of bills which he himself has reported. I will say in justice to him, and he deserves it, that he spent his time here in this city when the other members of the committee were at home with their families, investigating the pension cases which had been referred to him by the committee. I do not know whether those cases were from his district or not; it was his duty to consider them. So far as I am concerned I am willing to report to this House every meritorious case referred to me, whether it come from Kentucky, Maine, or Kansas. I believe, as the gentleman from Ohio [Mr. McMAHON] has said, that it is right and proper to pass these bills, and if we err let us do so on the side of mercy.

Mr. BAKER. If in order I desire to move an amendment of substance, not one merely formal. I move to strike out the words "every other Friday," and to insert the words "every Friday." I had occasion the other day to say something on this question. I desire to say now that, in my judgment, the opposition to the adoption of the amendment proposed by the gentleman from Kentucky [Mr. CALDWELL] arises from a disposition to give preference to other private claims over the claims of soldiers to pensions.

It is a well-known fact—and I appeal to every member of this committee to bear testimony to that fact—that the great consumption of time in the consideration of private business which has been complained of arises upon claims of a questionable character, which provoke long and oftentimes acrimonious discussion, oftentimes debate of a bitter political character. The result of having the business on the Private Calendar so arranged that these questionable claims may be brought up for discussion in preference to other claims will undoubtedly result in delaying pension bills, so that even if they shall finally pass the House they will go to the Senate so late in the session that they will sleep there the sleep of death. I believe it is the duty of this House to so arrange its rules that speedily and without delay every pension bill that is reported from the Committee on Invalid Pensions may be disposed of.

If such pension bills are given precedence, my experience in this House for the last five years justifies me in the declaration that no considerable time will be consumed in their discussion and determination. Each Friday we can, within half an hour, dispose of all the pension bills which may have been reported in the course of the week, and then we will be ready to go on, if we desire, with these old, stale, and ancient claims on the Private Calendar, which have brought so much shame and reproach upon preceding Congresses.

I submit that if we shall so amend the rules that on each Friday, upon the first call of the Calendar, all the pension bills reported during the week previous can be considered and disposed of, it would not take more than half an hour to dispose of them all, and the rest of the time can be devoted to other matters.

Mr. BLACKBURN. Believing that we have had about enough discussion on this clause, I will now move that the committee rise with the view of obtaining from the House an order limiting debate upon this clause.

Mr. GARFIELD. Let us have a vote upon it now.

Mr. BLACKBURN. If we can get unanimous consent to vote upon the amendment without further debate, I will not press my motion. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair will entertain the motion that the committee rise; but before putting the question upon it will call the attention of the gentleman from Indiana [Mr. BAKER] to the form of the amendment which he has offered. The gentleman moves to strike out the words "every other Friday" and to insert the words "every Friday." There are no such words in the amendment pending. The words in the amendment proposed by the gentleman from Kentucky [Mr. CALDWELL] are "on each alternate Friday."

Mr. BAKER. Then I move to strike out the words "each alternate" and to insert the word "every."

The CHAIRMAN. If the word "alternate" be stricken out, the amendment will then read "each Friday."

Mr. BAKER. I will make that motion.

Mr. GARFIELD. Why not strike out "Fri—," so that it will read "each day?"

Mr. HAYES. Is a substitute for the amendment now in order?

The CHAIRMAN. Nothing is now in order, except the vote upon the motion made by the gentleman from Kentucky that the committee now rise.

The motion of Mr. BLACKBURN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules, and had come to no resolution thereon.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the report of the Committee on Rules, and pending that motion I move that all debate upon the pending clause of Rule XXIV and all amendments thereto be limited to five minutes.

Mr. GARFIELD. Say one minute.

Mr. BURROWS. That of course relates only to pending amendments.

Mr. BLACKBURN. My motion relates to all amendments, pending and that may be offered.

Mr. BURROWS. Is it in order to limit debate on amendments not yet offered?

Mr. TOWNSHEND, of Illinois. Will the motion of the gentleman from Kentucky, [Mr. BLACKBURN.] if adopted, cut off debate upon any new clause that may be offered?

The SPEAKER. It would not. In the absence of objection, the House might agree to tie itself up by cutting off debate on all amendments to be offered; but that would have to be done by unanimous consent.

Mr. BLACKBURN. I mean all amendments to the pending clause.
Mr. BURROWS. On all pending amendments.
Mr. BLACKBURN. I am making my own motion.
Mr. BURROWS. Yes; and I am making my objection to it.
Mr. BLACKBURN. That you may do by your vote.
The SPEAKER. The rule only allows the cutting off of debate on pending amendments if there is objection.
Mr. BLACKBURN. Is that the practice of the Chair?
The SPEAKER. The Chair has ruled on that point.
Mr. BLACKBURN. Has that been the ruling of the Chair?
The SPEAKER. It has. The Chair has made that ruling since this report from the Committee on Rules has been pending.
Mr. BLACKBURN. Very well; then I modify my motion so as to limit debate upon the paragraph and pending amendments to one minute.
The motion was agreed to.
Mr. BLACKBURN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole to resume the consideration of the revision of the rules.
The motion was agreed to.
The House accordingly resolved itself into Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the report of the Committee on Rules.
The CHAIRMAN. By order of the House all debate on this paragraph and pending amendments is limited to one minute.
Mr. WHITE. I have modified my amendment in such a form as I think will still be acceptable to the gentleman from Kentucky. I ask that it be read.
The Clerk read as follows:

If this motion prevail on each alternate Friday pension bills or private bills for the relief of persons who are or have been soldiers, for causes growing out of their military service, on said Calendar, shall have precedence in consideration.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. CALDWELL] accept this amendment as modified?
Mr. CALDWELL. I do.
Mr. BAKER. With the permission of the Committee of the Whole, I withdraw my amendment.
Mr. WARNER. Mr. Chairman, in the minute I have I wish to call attention to the fact that the pensions already granted if capitalized would amount to a debt of a thousand million of dollars, and is destined even under the law as it now stands to reach a sum much larger, at least for a time, requiring about $40,000,000 annually; and if it be intended, as has been intimated, to open wide the doors and let in every one who has served at all in the Army, then let us be honest and say so at once. We must be prepared, however, if we do that to see from seventy-five to a hundred millions of dollars taken annually from the Treasury to meet it, and taxes increased accordingly. Such a pension-roll as that step would lead to would, if capitalized, amount to more than the present national debt. On the other hand, if these cases are to be examined and relief limited to actual disability under the law, then I insist that our method of proceeding is a sham and a farce. It is utterly impracticable as all know to go over in this House and pass decently on even three hundred cases this session out of three thousand, and all others must be put off to another session, while to the Calendar is all the time being added ten cases to one that is disposed of.
Now, the Committee on Invalid Pensions can bring into the House and have passed a measure by which all this difficulty may be remedied, so that the soldier who has wounds and scars or other actual disability to show for it can get his pension dues without waiting till he is ready to die, and at the same time claims that are without merit, mere pretenses or wholly fraudulent, can be kept out. This is what as business men we ought to do.
[Here the hammer fell.]
Mr. HAYES. Is it in order to offer a substitute for the amendment of the gentleman from Kentucky?
The CHAIRMAN. It is.
Mr. HAYES. I offer the following:

After the word "and," in the third clause of the rule, insert "bills relating to pensioners and for the relief of soldiers and their representatives shall be considered in preference to any other."

This includes the cases of soldiers' widows and orphans who are not covered by the other proposition.
Mr. MAGINNIS. That would rule out bills reported from the Committee on Military Affairs to correct a soldier's record or anything of that kind.
Mr. WHITE. As I understand the amendment of the gentleman from Illinois, [Mr. HAYES,] it is confined to men now in the service.
Mr. HAYES. Oh, no.
The question being taken on the amendment of Mr. HAYES, it was not agreed to.
The question being taken on the amendment of Mr. CALDWELL as modified by the acceptance of the amendment of Mr. WHITE, there were—ayes 64, noes 74.
Mr. WHITE called for tellers.
Tellers were ordered; and Mr. CALDWELL and Mr. BLACKBURN were appointed.
The committee divided; and the tellers reported—ayes 76, noes 78.
So the amendment was not agreed to.
Mr. OSCAR TURNER. I move the following amendment.
The Clerk read as follows:

Add to Rule XXIV the following:
When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, after the call of the States and Territories for bills and joint resolutions, to offer a resolution or move to place said bill, resolution, or proposition on the proper calendar, which resolution shall then be considered, and, if decided in the affirmative, the bill, resolution, or proposition shall be placed on the Calendar, and the committee discharged from further consideration of the same.

Mr. OSCAR TURNER. Mr. Chairman, I offer that amendment in accordance with the notice I gave several weeks ago, as a remedy for an evil which I think exists, and which perhaps has escaped the observation of the Committee on Rules.
It is the undoubted right of every member upon this floor to offer a bill to redress any public grievance or for the public good when he comes here as a Representative. When he offers such a bill, under the rules it is referred to a committee. I take the incontrovertible position that when it is referred to a committee it is the duty of that committee to report the bill in some way, either to report it back favorably or unfavorably. But, instead of that being done, there are many instances which have occurred, and which are complained of, where bills have been referred to committees, and because the committees seemed to be opposed to them, they have refused to make any report on them whatever—either for or against them. In this way the bills are smothered. This is all wrong. It is one of the highest privileges of a member upon this floor to have a vote of this House upon any measure he presents for the public good. Well, how is he to get it if the committee refuses to report the bill at all? How can you force a committee under these rules to do it? If any gentleman will point out a remedy now existing I will withdraw my amendment.
But I have talked with old parliamentarians, with men as thoroughly versed in parliamentary rules, perhaps, as any gentleman upon this floor. They all agree upon one point, that if a bill is referred to a committee which is opposed to it and that committee does not see proper to report the bill back to the House, they can hold it up, and the only remedy is for a member to offer a resolution of this House instructing that committee to report back the bill. Now, at first blush, that would seem to be a proper remedy. But it amounts to nothing at all, because a member can never offer such a resolution or make such a motion except upon a Monday, after all the States and Territories have been called through for the introduction of bills and joint resolutions, before the expiration of the hour, and when during the remainder of that hour a second call is made for individual resolutions. I have been assured by members who have been upon this floor for the last twelve or fifteen years, that they never knew an instance of such a call to occur except once, and then when a motion was made it was lost by the interposition of a motion to adjourn, because it had no place on the Calendar and no place provided for it under the rules of this House.
Under the provision of the amendment I have offered, if a committee has had a public bill for thirty days and refuses to make any report on it, *not a private, but a public bill*, then the member may enter a motion on Monday, after the call of States and Territories has been completed, to put that bill on the Calendar, and that motion is then to be considered by the House, and, if they approve of it, it goes upon the Calendar; if not, that is the end of it. It seems to me it is a just and equitable provision. It is the only remedy I can conceive of
Mr. Chairman, this amendment not only protects the rights of individual members on this floor, but it protects the rights of the majority, and *prevents the will of the majority from being stifled and smothered by a committee.* How can this House exercise its legislative functions except by a bill or joint resolution offered by some member? It is immediately referred to a committee, and the House cannot act upon that bill and give its sanction to it, no matter if there is a *large majority* in favor of it, until it is reported back by the committee either favorably or unfavorably; and if the committee is opposed to the bill and will not report it, they not only defeat the right of the member offering the bill or resolution, but they stifle and smother the voice of a majority of the representatives of the people. I assert, sir, that under the rules of this House as reported and as they are to-day in force a committee can exercise an unconstitutional power by withholding a bill which has been referred to them and which a majority is in favor of, and by this means prevent the will of a majority from being carried into a law for the public good. This is clearly contrary to the spirit of our Constitution, and yet it has been done and can be repeated. No such power ought to be in the hands of a committee; it is dangerous to the liberty of a free people, There ought to be some remedy provided such as I propose in this amendment. The will of a majority should control in this House, and it ought not to be in the power of any committee to stifle it, as it is under the present rules and those under consideration. The Constitution does not require two-thirds to pass a bill; a majority has the right under the Constitution, and the rules ought not to obstruct the will of a majority, or put it in the power of a committee to do it.

Sir, I believe in the doctrine of "equal rights to all, exclusive privileges to none." I hope the House will adopt the amendment.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I offer this as an amendment to the amendment now pending.

The Clerk read as follows:

Strike out the words "after call of States and Territories for bills and joint resolutions," and insert "immediately after the expiration of the morning hour."

Mr. TOWNSHEND, of Illinois. Mr. Chairman, it will be observed the amendment offered by the gentleman from Kentucky [Mr. OSCAR TURNER] is applicable only to public bills and joint resolutions, and not to bills of a private nature. The number of public bills is not so very large as many may imagine. Most of those introduced here are private bills. Therefore I do not believe this rule will be impracticable.

I have been here long enough, sir, to have learned the necessity for some such provision as this. I have known very important measures of a public nature brought in at an early day during the last Congress, which have been ignored by the committees to which they were referred, while they have instead devoted their time to the consideration of private bills. I know of some bills of a public nature which have been introduced into this Congress at the extra session and referred to important committees of this House, having proper jurisdiction of them, and which have never yet been daylight so far as any report to this House is concerned, while the same committees nearly every time they have been called for reports have reported private bills, showing that considerable labor and care had been bestowed by the committees upon them.

Now, sir, I am one of those who believe that legislation should be of such character as will promote the greatest good to the greatest number, and that private bills should give way to public necessity. This amendment, in my judgment, would be in furtherance of that principle.

I can particularize many instances, but will content myself with reference to only one or two. Before the holidays I introduced into this House a resolution directing the Committee on the Judiciary to report an amendment to the Constitution fixing a limit of six years for the presentation of claims against the Government of the United States. When we remember the fact that there are bills now pending in this Congress which have been introduced into every Congress since 1819—and although some of them have time and again been reported upon adversely, they have been renewed in each recurring Congress and pressed again for action with a hope that they may slip through a new and negligent Congress—we can all see that if an amendment to the Constitution like that I suggested should be adopted, fixing a limit to the time for the presentation of these claims, it would settle forever the fate of many unjust and rotten claims and thereby save hundreds of millions of dollars in the future to the tax-payers of this country.

The old schemes to plunder the Treasury and the chronic claims will never die, for when death ends their prosecution by original claimants they are followed up by heirs, or by assignees, or claim-agent sharks, who have obtained control of them for insignificant sums. There is but one way to protect the people from such fraudulent or stale claims, and that is by the method I have suggested.

In another instance I introduced a resolution early in January instructing the Committee on Foreign Affairs to report upon the expediency of abolishing our useless diplomatic service. If a bill was reported from the committee for that purpose and passed by this House, we might in this Congress save over $300,000, being one-third the cost of our consular and diplomatic service, and rid ourselves of envoys extraordinary and ministers resident and their expensive appendages.

The intelligent public has long been convinced of the utter uselessness of our ornamental diplomatic corps. The cable and the present extraordinary rapid mail transportation facilities have enabled the metropolitan press to advise the Government and the public of every movement of foreign governments much more fully and much more speedily than any of our foreign missions. Indeed, it has been conceded by some of the highest officials in the Executive Departments that we can with safety dispense with this service. This would not embarrass the transaction of business between our Government and people with foreign countries, for that will be as effectively conducted by our consular service.

I refer to these two cases merely as illustrations. Neither of these resolutions has ever been reported from these committees. Now, what I want to accomplish is to give committees a fair opportunity to consider bills and resolutions referred to them. If they deem them unwise, let them report to the House, in order that the author may have an opportunity of getting the sense of the House upon them. If they are wise and advantageous to the country, they should not be buried in the committees. When committees fail to give proper attention to such important measures, either from disinclination or because overcrowded with work, this amendment will enable others, who are either more industrious or have more leisure, to secure action upon them.

[Here the hammer fell.]

Mr. OSCAR TURNER. I accept the amendment.

Mr. BLACKBURN. This is a very important amendment offered by my colleague, and I think it best that the House should see it in print to see what is its scope and the bearing it may have. I do not want any hasty action taken in any matter relating to this revision of the rules. If this amendment is adopted I think it will be found in the first place it is not as carefully worded as my colleague would like to have it. If it is adopted I think it will work an absolute revolution probably away beyond the scope he or any member of this House would propose to give it.

For that reason, Mr. Chairman, I will move now that the committee rise in order that this amendment may be pending when we shall meet to-morrow or when we next meet for the consideration of this revision of the rules.

The CHAIRMAN. The Chair will state before the committee rises that the gentleman from Kentucky has indicated his acceptance of the amendment of the gentleman from Illinois, as a modification of his.

Mr. OSCAR TURNER. I have accepted it.

The CHAIRMAN. It is now moved by the gentleman from Kentucky that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

FEBRUARY 24, 1880.

REVISION OF RULES.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] moves that the House resolve itself into Committee of the Whole on the state of the Union; and pending that motion he moves that all debate on the pending amendment be closed in five minutes.

Mr. BLACKBURN. The pending amendment is that offered by the gentleman from Kentucky, [Mr. OSCAR TURNER.]

Mr. CONGER. The motion, as I understand it, does not cut off further amendment.

The SPEAKER. It cuts off neither amendment nor debate on such other amendments as may be offered.

The motion to limit debate was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The Committee of the Whole resumes consideration of the report of the Committee on Rules, and by order of the House all debate on the pending amendment is limited to five minutes. The pending question is upon the amendment proposed by the gentleman from Kentucky, [Mr. OSCAR TURNER,] as modified at the suggestion of the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. OSCAR TURNER'S amendment, as modified, was as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, immediately after the expiration of the morning hour, to offer a resolution or move to place said bill, resolution, or proposition on the proper calendar, which resolution shall then be considered, and, if decided in the affirmative, the bill, resolution, or proposition shall be placed on the Calendar, and the committee discharged from further consideration of the same.

Mr. OSCAR TURNER. I offer a modification of the amendment which I offered on Friday last.

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, immediately after the expiration of the morning hour, to offer a resolution or move to discharge the committee from the further consideration of the same, which resolution or motion shall then be considered, and, if decided in the affirmative, the committee shall be discharged, and the bill, resolution, or proposition shall be placed on a proper calendar, unless a majority of the House shall determine then to consider the same.

Mr. OSCAR TURNER. Mr. Chairman, as I have before presented my views to the committee on this amendment, I shall not trespass further than to simply say that there can be no abuse of the privilege given a member under this amendment, because it is to the interest of every member that he shall have the benefit of the report of a committee in his favor on any bill, resolution, or proposition referred to a committee, and no member will ever exercise the right given him under this amendment if the committee is engaged in investigating the matter. It will never be resorted to except when a committee refuses to report the bill back to the House, either favorably or unfavorably. In that event the remedy afforded by this amendment not only guards the personal right of the member who offers a bill or proposition, but, sir, it guards the rights of the majority of this House, for it secures to them the right to pass a bill or resolution if a majority are in favor of it, or to put it upon the Calendar. If this amendment is not adopted the power is left in the hands of a com-

mittee to stifle and defeat the will of a majority by refusing to report back to this House a bill, resolution, or proposition that has been referred to it.

If this amendment is defeated you give up the power of this House to legislate or pass a bill that a majority is in favor of, simply because a committee will not report back the bill, either favorably or unfavorably, that this House is in favor of which has been referred to it; thus recognizing in a committee a power dangerous to the liberties and rights of the people by leaving it in the power of a few members on a committee to stifle and defeat the will of a majority of this House, for under these rules there is no remedy provided to force a committee to report back a bill which has been referred to them.

Mr. Chairman, I offered this amendment because I knew it was important, and would, if adopted, enable us to legislate for the interest of the people.

I yield the remainder of my time to the gentleman from Indiana, [Mr. MYERS.]

Mr. MYERS. The power of the committees of this House has reached a point startling to all lovers of democratic government, and smacks strongly of the star-chamber and secret doings of the privy council. Measures of "great pith and moment" are even, when backed by a strong support of the people's representatives on this floor, consigned to premature graves without examination or the slighest regard to the wishes of their authors; and the whole power of this House under the existing rules and those that are proposed by the committee are unequal to the task of rescuing from the fatal pigeon-hole bills of the utmost importance to our constituents. We have heard much of the abuses of the veto power by the Executive, and yet we find members of this body who are most turbulent in their frothy assaults, the most clamorous for conferring powers upon a single committee which far exceed those of the veto power. The Executive can do no more than return a bill with his objections to the House in which it originated; but your autocratic committee may refuse to notice them at all, and say to this House, "You shall not even consider these bills; we do not think it proper to trust you with such matters, and we know more about the welfare of the country than all of you put together." I need scarcely remind gentlemen on this floor that at the late extra session a bill known as the "Warner silver bill" passed this House by a large majority, nor call to mind the humiliation to which they were subjected by the refusal of the chairman of a single committee of the Sanate to even report the bill. And yet that very Senator was more violent in his denunciation of Mr. Hayes for his use of the veto power than perhaps any member upon the floor of either House;.a terrible thing is this one-man power in the hands of the Executive of the United States, but a charming constitutional democratic affair when in possession of the chairman of a committee, especially if he happen to be chairman of the Committee on Appropriations.

But, sir, I am far from charging that the chairman of this most potent committee is more arrogant and self-sufficient than others, for they all seem to be tarred with the same paddle and to think the rest of us who are sent here to represent our constituents are a mere set of supernumeraries to hoist or let down the curtain when they so direct.

I had the honor at an early day of this session to present for the consideration of this House a bill to substitute national Treasury notes for national-bank notes, as a measure in which my constituents and the whole people of my State feel the deepest interest, and upon which I am anxious to have the views of members from other sections of the Union. But in calling on the high dignitary, the chairman of the great Committee on Banking and Currency, I was coolly informed that he did not intend to report it at all, though he confessed that he had never examined the bill, and then quoted other distinguished members of the committee in connection with himself as being opposed to any legislation upon national banks more than the bill that was so ignominiously set down on a few days ago in this House; and for no other reason, as I verily believe, than that the previous question was demanded and a free, full, and fair discussion refused by the gentleman who had the bill in charge. Sir, if we are to have no other agency in framing the laws of our country than to record the acts of the chairman of a committee, why not let us supernumeraries go home and save the expense of remaining in Washington and the shame of so servile a position in the Capitol of the American nation.

Sir, the people of my State are jealous of the one-man power, and I fear it will be difficult to convince them that its exercise in the hands of the chairman of a Senate committee, though he be a distinguished Senator from the State of Delaware, or the chairman of the Committee on Appropriations or of Banking and Currency in this House, possibly not less famous than the Senator, will be less liable to abuse or more democratic in principle than if exercised by a republican Executive.

The haughty disdain with which members of this House who seek a hearing before some of these committees are treated by the arrogant assumption of those who chance to fill the important position of chairman should remind us of the stern necessity imposed by self-respect to clip their wings and teach them that we have not yet ab, dicated the rights conferred upon us by an enlightened constituency-nor do we intend to transfer to their hands the sole power of framing our legislation.

I shall heartily support the amendment offered by the honorable member from Kentucky, [Mr. OSCAR TURNER.]

I say this, sir, in sorrow rather than anger, for I cheerfully confess the great improvements made in the general code of rules reported by the distinguished committee who have had charge of the matter.

Mr. BLACKBURN. I desire to say simply that I have no authority to speak for the Committee on Rules upon the subject of the amendment offered by my colleague, [Mr. OSCAR TURNER.] The scope of the amendment is very broad; its effect will be very noticeable. After a careful consideration of it from our adjournment on Friday last until now, speaking for myself and disclaiming any authority to speak for the Committee on Rules or any other member of it, I will say that I believe the amendment is in the right direction and should be adopted by the House.

Mr. UPDEGRAFF, of Ohio. I move to strike out the last word. I desire but a few moments to call the attention of the members of the Committee of the Whole to a matter which has been under consideration within the last few days. There was a statement made on Friday last which it seems to me does great injustice to the Committee on Invalid Pensions, great injustice to this Congress, and still greater injustice to unpensioned soldiers of this country. I for one am not willing that that statement should go out unchallenged to the people of the country. My colleague from Ohio [Mr. WARNER] in the discussion at that time said:

> If this House should do no other business from now until the end of the session—indeed, Mr. Chairman, if we should sit here from now until the first Monday of December next, and devote three hours a day every day to the consideration of the pension bills now pending before the two Houses of Congress and give ten minutes to each case we could not get through the list.

Well, he seemed to warm up a little with his own eloquence and got stronger before he went on much further, for he said:

> Why, if we should give fair consideration—

Now, I do not know what he considers "fair consideration." What he said was:

> If we give fair consideration to pension cases, give the time that it would seem ought to be given to them, we could not get through this session with the cases that are now on the Calendar from Pennsylvania alone.

Mr. WHITE. Who said that?

Mr. UPDEGRAFF, of Ohio. My colleague, [Mr. WARNER.] Now there is one of two things pretty certain, either my colleague has been more successful with his pensioners——

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My point of order is that the gentleman is not debating the amendment under consideration.

The CHAIRMAN. Of course it is impossible for the Chair to say in advance the relation that the remarks of the gentleman may have to the pending amendment.

Mr. UPDEGRAFF, of Ohio. I am coming to that in a few minutes.

The CHAIRMAN. It is a very difficult matter always for a presiding officer to rule in advance that what a gentleman is saying or may say has no reference to the pending proposition.

Mr. TOWNSHEND, of Illinois. It is a very easy matter for the Chair to rule in this case.

Mr. UPDEGRAFF, of Ohio. The gentleman from Illinois [Mr. TOWNSHEND] seems to have the floor a good deal of the time in order and out of order.

The CHAIRMAN. The gentleman from Ohio [Mr. UPDEGRAFF] will proceed in order.

Mr. UPDEGRAFF, of Ohio. I will endeavor to do so. There is one thing pretty certain, that my worthy colleague from Ohio, [Mr. WARNER,] having been successful himself in his own pension case, either considers these matters are not worthy of attention or else he has got into some very wild fiat inflation arithmetic, what might be called metaphorical arithmetic. He says "we could not get through this session with the cases that are now on the Calendar from Pennsylvania alone."

Sir, I hold in my hand the Private Calendar of this House. On that Calendar there are only thirty-two pension cases from Pennsylvania. There are on it fifty-two pension cases reported by the chairman of the Committee on Invalid Pensions, [Mr. COFFROTH,] only thirty-two of which are from Pennsylvania. Now, sir, if this House has not time to consider thirty-two pension cases, after having wasted weeks and months on moonshine inflation financial doctrines, it is about time that we should commence holding longer sessions than three hours a day. A day's work for a Government employé is at least eight hours.

In my judgment Congress has no duty that is now so binding, so imperative upon it, and so important to the people of the country as the consideration of these pension claims. Besides, the gentleman has figured it down very fine. He says that there have been introduced into this House, or into Congress, between three thousand five hundred and four thousand bills granting pensions. Are all these bills to come up for consideration? In a great number of these cases there will be found three bills in the House and one in the Senate, sometimes two in the Senate and one in the House, for the identically same pension. Therefore it does not make that many different cases. Again, a large portion of the cases before the Pension Committee are cases which year after year, and by committee after committee, have been reported adversely upon, and they need not and will not claim

the attention of this House. So that a few hundred are really all the cases that need claim the time of Congress.

But I will not consent that the disabled and still unpensioned soldiers of the Union Army shall be told that there is no chance for their claims to be heard, and, if just, allowed; shall be told, if these claims by reason of some technical defect in the evidence are rejected by the Pension Office, that this Congress is too august a body or too busy discussing theoretical finance—on which it has wasted weeks—to hear the claims for simple justice of the men without whose sacrifices we would to-day have no Congress, no Government, and no Treasury.

Within the last year the Pension Office has granted ten thousand pensions, eight thousand have been increased, and fifteen thousand "arrears." Congress, since 1862, has granted, by special acts, relief to fourteen hundred sufferers, and now it would require but a few weeks to settle every case worthy of attention. It has no work which is so much its duty; a soldier's claim is not a mere money title. It is not only justice, but appeals alike to the nation's honor and its pride.

Eighty-six years ago day after to-morrow this Government, under Washington, inaugurated the plan of sending pension claims to a committee of this House organized for that purpose, and has followed it ever since. Forty-nine years ago a Committee on Invalid Pensions, as now organized, was regularly charged with its present duties.

My colleague says he has a better plan. If it be such I will gladly accept it. But while this is the only mode known to our Government let us go faithfully forward in it to do what little we may of justice to the men and the families of the men by whose valor and sacrifices the nation marched to victory and peace.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. UPDEGRAFF, of Ohio. Well, there was a word or two more, but I will write out the rest as others do. [Laughter.]

Mr. WARNER. I wish to reply only to the arithmetic of my colleague from Ohio, [Mr. UPDEGRAFF.] I assumed that the report that the number of pension bills pending before this House and the Senate was between three and four thousand was correct. If there are three thousand, and ten minutes be given to each bill, it would take as I figure it, thirty thousand minutes to consider these bills alone. That would be five hundred hours, and supposing three hours a day be given to them, it would take one hundred and sixty-six days, and giving twenty days to a month, which is as many days as the House is in session on the average, it would take something over eight months. My arithmetic, therefore, was right.

Mr. UPDEGRAFF, of Ohio. How many days in a month do you say there are?

Mr. WARNER. I am calculating on the basis of twenty days in a month as the average number the House is in session.

Mr. UPDEGRAFF, of Ohio. You said "every day."

Mr. WARNER. Twenty legislative days in a month. It would take then about eight months to go over or pass three thousand pension bills, giving ten minutes only to each case. And there will be twice three thousand bills here before this Congress terminates, if it is understood that the time of the House is to be taken up in this way.

Mr. WRIGHT. What arithmetic is the gentleman referring to?

Mr. WARNER. I suggest to my friend from Pennsylvania that when he gets home he quietly take up his paper and pencil and figure this out for himself. I suggest that my colleague do the same.

Mr. UPDEGRAFF, of Ohio. I have done it.

Mr. WARNER. Mr. Chairman, I have no desire to make reply to anything further; but I still insist——

Mr. FRYE. The gentleman will allow me to call his attention to an inaccuracy in his statement of the time it will take to pass pension bills. The Committee of the Whole the other day, on motion of the gentleman from Kentucky [Mr. OSCAR TURNER] inserted in these rules a provision that not a dollar shall be appropriated by this House without a call of the yeas and nays; so that under this rule, as amended, it is going to take an hour to read the report and call the yeas and nays on every pension bill presented here. I simply call attention to this because it seems to me the amendment must be voted out when we get into the House.

Mr. WARNER. The rule, as I understand, does not apply to private bills, but only to public bills.

Mr. FRYE. I do not so understand it. I think it applies to all.

Mr. OSCAR TURNER. This amendment has no application to pension bills.

Mr. WARNER. I am informed that the provision referred to applies only to public bills, not to private bills.

I still insist that the rule proposed here the other day would be entirely inadequate as a means to correct the evils complained of. This House is not the place to consider pension claims. A commission ought to be established, and I hope will be, to decide such cases under the law; and if my colleague will permit me—and I mean no personal offense—I will say further that all this talk about rushing pension bills through here is in my judgment mere demagogism—not action dictated by wisdom or sound policy, or even good common sense. The object too manifestly is to catch votes and not to promote the real interests of honest pension claimants.

Mr. UPDEGRAFF, of Ohio. If anybody understands the demagogue business, I think it is my colleague. [Laughter.]

Mr. WARNER. I did not hear the remark of the gentleman.

[Here the hammer fell.]

Mr. UPDEGRAFF, of Ohio. I withdraw the *pro forma* amendment.

Mr. GARFIELD. I move to amend by striking out the last word.

Mr. FRYE. If the gentleman will yield to me one moment I wish to say that I find, on examining the amendment adopted on motion of the gentleman from Kentucky, [Mr. OSCAR TURNER,] that I am strictly correct; that on every bill appropriating money or making any charge upon the people the yeas and nays must be called.

Mr. GARFIELD. I rose to say a word in regard to the pending amendment, which I hope gentlemen will look at carefully before they vote. I do not wish to delay action at all, but the amendment if adopted will throw the entire business of this House, as I think, into the utmost confusion. According to this proposition any bill, after having been in committee thirty days, may, by a majority vote of the House, be brought back here for action.

Now, there are scores of bills that cannot possibly be taken up, properly considered, and carried through a committee in thirty days, No one of the appropriation bills, except the smallest, can be run through committee with any kind of thoroughness in thirty days. Take the bill on commerce, which the Committee on Commerce has been engaged upon for two months and more; it is not ready. Take the bill relating to rivers and harbors; that we understand takes the whole winter to get it ready. Take a bill covering all the subjects of a tariff; no Ways and Means Committee, though it be the most industrious that ever sat here, can bring in a general tariff bill in less than three or four months. Yet here is a rule that would tumble any bill, however great, however voluminous, however complicated, back into the House, out of the hands of the committee, and put it upon its passage or send it to the Calendar instantly, whenever a majority can be obtained to support such a course. Under such a rule we should have heart-burnings between committees, plots against committees, plots between committees in all sorts of ways. I trust that gentlemen who desire to have the good order of this House preserved, to have legislation proceed with the conservative surroundings and protections we have always had, will vote against this proposed rule.

Mr. BLACKBURN. May I ask the gentleman a question?

Mr. GARFIELD. Certainly.

Mr. BLACKBURN. I ask the gentleman from Ohio, in the light of his long service and elaborate experience, to tell me why a majority of this House should not have the right to send to a Calendar or consider, if it please, any bill that has been introduced into the House in accordance with the rules and has remained in the committee-room for thirty days?

Mr. GARFIELD. Simply because, as I have shown, there are scores of great bills that cannot be perfected in thirty days by any committee, however industrious.

Mr. BLACKBURN. Then make it sixty days.

Mr. GILLETTE. I desire to ask the gentleman from Ohio if in his judgment this House is not worthy to be trusted to decide by a majority vote what business they will consider?

Mr. GARFIELD. I think the old conservative rule requiring two-thirds to suspend the rules so as to discharge a committee—to turn the committee with its back to the wall and tell them "you are unworthy"—is a good rule to follow; and we do not want to run in tariff legislation in this way just now—which is the purpose.

Mr. BLACKBURN. Mr. Chairman, I think that this discussion warrants the utterance I made here on Friday last when I said the amendment was so important and far-reaching in its consequences that it should be read in print and carefully considered by every member before being voted upon.

The gentleman from Ohio [Mr. GARFIELD] has not enlarged upon the effect of this amendment if it should be adopted. It will work almost a revolution in the business of this House. I am perfectly content to agree that thirty daye be struck out and that we insert "sixty days during a long session of Congress, and thirty days during a short session." But I do insist (and I appeal to the experience of every member on this floor to bear out the assertion) that in too many cases the sending of a bill to a committee of this House, which committee chances to be adverse to the purposes of the measure, is equivalent to consigning it to the "tomb of the Capulets." No matter what the majority of this House may want to do in such a case, it has no opportunity under the present rules to do anything. It seems to be the very essence of conservatism (if indeed this be a popular government under which the majority should have a chance to rule) to afford that majority the opportunity which this rule proposes. After a reasonable time has elapsed, (whether thirty or sixty days,) and a committee of this House has refused to report back for determination a measure sent to it for exanination, it seems to me to be but fair and right to give, not to any one member of the House but to a majority of the House, the right to call up the bill and send it to the Calendar, or, if that majority please, to pass upon it at the instant. I do not think any danger should be apprehended from the amendment now pending.

Mr. WEAVER. The gentleman from Kentucky [Mr. BLACKBURN] has voiced almost verbatim what I desire to say. I will submit this, however. It occurs to my mind that the criticism of the gentleman from Ohio [Mr. GARFIELD] on the amendment is a criticism upon

the House itself. If this House, Mr. Chairman, can be trusted on the final passage of a bill where a majority vote will pass it, certainly the judgment of the House ought to be trusted upon a question of this character. This is a popular government, or it is nothing. I hope we have not reached that stage in our history where it can be called anything else. And why it is that a bill of great public necessity and importance which has been consigned to a committee cannot be brought by a vote of a majority of this House back to the House to be considered I cannot comprehend. A two-thirds vote rarely can be obtained, and yet it might be perfectly true that a majority of the members of the House might desire to pass the measure, might desire it should become a law, but they are powerless under the two-thirds rule to pass it. It is a species of legislative legerdemain that ought to be discountenanced in this House, and I hope on the final vote on the amendment of the gentleman from Kentucky it will prevail. It would be a great stride in the direction of reform, in the direction of true and genuine popular government.

Mr. GARFIELD. Will the gentleman from Iowa tell me whether he thinks a two-thirds rule is ever wise? Should we have everything by a majority?

Mr. WEAVER. Hardly ever. [Laughter.]

Mr. GARFIELD. Then you do not believe in having anything but by a majority all the time?

Mr. WEAVER. I will answer, in my judgment—though it may be very crude, for I certainly claim no legislative experience, certainly none as compared with that of the gentleman from Ohio—but in my judgment a majority vote ought to determine everything in this House except the expulsion of a member.

Mr. TOWNSHEND, of Illinois, rose.

The CHAIRMAN. No further debate is in order on this amendment.

Mr. OSCAR TURNER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OSCAR TURNER. Have I the right to accept the suggestion of the gentleman from Kentucky?

The CHAIRMAN. The gentleman who offered the amendment, at any time before it is voted on by the committee, may modify it to any extent he pleases.

Mr. OSCAR TURNER. Then I accept the modification of the gentleman having charge of the report, of sixty days during the long and thirty days during the short session.

Mr. TOWNSHEND, of Illinois. Does the Chair decide that debate is not in order?

The CHAIRMAN. It is not until after this amendment has been disposed of.

Mr. TOWNSHEND, of Illinois. There is but one amendment pending, and I move to strike out the last word.

The CHAIRMAN. That amendment is now pending, made by the gentleman from Ohio.

Mr. GARFIELD. I withdraw it.

Mr. PAGE. I object to its being withdrawn.

The amendment to the amendment was not concurred in.

Mr. TOWNSHEND, of Illinois. I move to strike out the last two words for the purpose of correcting an impression which may follow from the remarks of the gentleman from Ohio.

This amendment is simply for the purpose of enabling the House by a majority vote to determine whether a bill shall be placed on the public Calendar or not. If the bill is not of that nature which would strike the majority of the House favorably, it would not be placed upon the public Calendar. Every bill introduced of a public nature and sent to a committee and retained there for thirty days does not necessarily go on the Calendar, but only those bills which, after lying for thirty days in committee, shall receive the approval of a majority of the House.

A word or two more and I am done. I am in favor of this amendment partly for the reason it gives opportunity here to those who by their industry and by their energy have framed bills of great benefit to the public to obtain some action by the House upon them. There are industrious men here who unfortunately are placed upon committees which really have no jurisdiction, and yet who have prepared carefully drawn bills which they desire the House to pass upon, but which are sent to one of the three or four of the important committees of the House which do monopolize the entire legislation, and there they are buried and never heard of again. My purpose is to give a fair hearing not to frivolous, not to unimportant bills but to important measures which shall receive the approval of a majority of this House. It is for that reason I advocated the amendment when it was last under consideration.

The House will remember that the only effect of the amendment is that public bills and public resolutions, not pension bills or private bills of any character, shall have an opportunity of coming before this House and the question being determined as to whether they shall go upon the Calendar or not. That is all there is in this amendment.

[Here the hammer fell.]

Mr. WRIGHT. I rise to oppose the amendment. I object to it, Mr. Chairman, and I will repeat again for the benefit of the House what I have had occasion to say before, but may not have been distinctly heard, that I begin to suspect in this amendment there is "a cat in the meal-tub," and that a concealed effort is made on the question of a protective tariff. I do not want to put myself in the position of attacking protective measures in detail, as has been the custom of this House to do of late. In the last Congress there was a bill passed taking the duty off of quinine, and the duty was taken off on the ground that it would benefit the poor. I am told that the price of quinine is much larger now than when we removed that duty, and an inferior article thrown upon the market. Now, in the present session a very plausible measure was brought forward by my friend from Missouri, [Mr. HATCH,] making salt free—good enough if it did not interfere with other matters of greater moment.

There is another attack in detail upon the great protective principle in several matters, which are not now developed. It is also suggested that the tariff on steel rails will be removed as the next objective point; and now, if we adopt the amendment as proposed by my friend from Kentucky, we put it in the power of the House to bring out of the committee any bill in detail that may be desired. And yet I think the protective principle is in better keeping now, in the hands of the proper committee, than it would be if the plan suggested here were adopted. Heaven knows where we might land if the plan suggested by my friend were adopted.

There are certain features of his amendment that are worthy of our sanction, that are all-proper and commendable. Reform is demanded. In the last Congress I was some ten months watching an opportunity to get before the House a supplement to the land bill I proposed. I reported that bill to the House at the commencement of this session of Congress. Three months have already expired and there is no way that I can pursue, no device that I can adopt, no strategy I can resort to, to get it before the House. I defy any member to obtain a hearing on any bill he may offer, public or private. Under this system of rules there is a worse tyranny than our people protested against in the days before the American Revolution. They fought for liberty then, and there are some of us here who might fight for liberty under these rules until we die, while the whole power of the House is locked up in the hands of the committee, or of two or three committees. They hold us in dead-lock. We are powerless in their hands. And should this be the rule of American legislation? Such it is.

While it is not my desire to force measures placed in the hands of committees out of them, and thus endanger great and important questions which affect our revenue laws, still it may be possible that we may, by permitting other great measures to be pigeon-holed, do a greater injury. In my judgment, a protective tariff is of vast moment to the prosperity of our whole country. I would rather see the tariff go to the bottom of the sea than adopt such measures as would destroy and kill other great measures which affect the entire body-politic. While I am an open and avowed protective-tariff man, I will not permit the pursuit of this idol to absorb other matters of secondary importance. It is the bane of our legislation that important measures which demand the attention of Congress should be placed in the hands of a committee every man of which might be its bitter and unrelenting enemy.

I believe that two hundred and ninety-three men are quite as capable of judging of a measure of public policy as thirteen or fifteen men. I believe further that any Representative on this floor who proposes a measure of legislation has a right to demand a test vote upon it. Let him answer to his constituents for the responsibility of the measure. The gag-law rule should have no existence in the American Congress. The amendment perplexes me. I am half inclined to support it, and yet there are reasons why I should not—a fair idea, however, as to the double text of the warp and woof of your legislation. Have we reached that time in our legislative history, Mr. Chairman, when a great measure of public policy may be locked up in committee, and when we dare not call the matter back to the House for the fear some other measure of equal interest to the country may be the subject of attack in detail and thus destroyed? A strange state of affairs, truly!

Mr. TOWNSHEND, of Illinois. I withdraw the amendment.

Mr. COX. I renew the amendment. I renew it for the purpose of saying this, that if no other man in this House interposes a protest to the speech just made by the gentlemen from Pennsylvania, I should feel under obligation myself to make it.

Mr. WRIGHT. What is that? Say that again. [Laughter.]

Mr. COX. The gentleman from Pennsylvania talks to us about liberty, and yet he would break down the liberty of buying and selling all around our star wherever we please. He would crush out the liberty of trade and would have our farmers, who are the potential elements of the prosperity of this country, taxed to death by these infamous tariffs which put hundreds of millions into the pockets of Pennsylvania and a few men at the expense of the whole country. Ay, he would put not twenty-five millions into the Treasury, but a thousand millions into the pockets of a few favored classes. The gentleman thinks the farmer people do not study this. I know this goes beyond mere party. I remember in a contest on the tariff in 1872, when General Schenck led that side of the House, we did make an advance and reform to the amount of $40,000,000 with the aid of Senators LOGAN and ALLISON, republicans, who had the grace and pluck to fight for their western constituency.

I believe, sir, in making any modification of this rule which will take from the Committee of Ways and Means their control over tariffs.

I want tariffs sent to that committee sent back to this House for

the action of a majority. When the gentleman from Ohio [Mr. GARFIELD] sat down I was near him and I heard him say this rule was intended for reform of the tariff. I did not know that was the object of my friend from Kentucky, but the moment I found that was the object I said I would vote for it because I am in favor of free land and free trade.

For what avail
The plow or sail,
Or land or life,
If freedom fail?

Freedom to go around the world as we please with our magnificent surplus productions; freedom to buy where we please in the cheapest market, and to barter and exchange as we please. And I hail with satisfaction this effort on the part of Kentucky, which has only a little tariff on hemp, I believe, of 12 per cent.; and I hope there will be at least hemp enough to hang protection when that question is brought into this House.

What I desire now by amendment of the rules is that you may bring in your salt, that you may bring in your quinine, if you please, that you may bring in your steel rails for the safety of human life, for the transportation of your produce cheaply to the seaboard, and for the extension of your agricultural productions; so that we may indeed have that privilege and freedom of trade which have belonged to the American people ever since they put forth their declaration of independence from the protection of Great Britain.

Mr. WRIGHT. I desire to make an inquiry of the gentleman from New York.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAWLEY. I rise to oppose the amendment offered by the gentleman from New York [Mr. COX] and to oppose the proposed addition to the rule.

Mr. Chairman, as I listen to the gentleman from New York I am almost persuaded that it would be well to abolish the tariff entirely. As I listen to others I am satisfied that the tax on whisky ought to be taken off. As I listen to others I am satisfied that the tax on tobacco might well be removed. And I come, then, in general, to the conclusion that the most economical and just way to administer this Government is to abolish the tariff and taxes and to pay the expenses from the Treasury.

But I did not rise to discuss the tariff question. I am opposed to the pending amendment. It gives the majority of the House a right after thirty days to call back from a committee any bill whatever and place it on the Calendar.

A MEMBER. Sixty days.

Mr. HAWLEY. Some one says sixty days. I do not care which it is. It is obvious under that rule, if it should be adopted, it would be entirely in order after thirty days or after sixty days to bring back every single bill which had been referred, at least every public bill, and there cannot be less than two thousand public bills now pending. And these motions are to be privileged motions. There would then be on the first Monday occurring after the expiration of thirty days two thousand privileged motions to discharge committees, each of which motions would be debatable under the rule. It would take us some time, doubtless, to call the roll two thousand times, and we should have a respectable Calendar with two thousand public bills upon it. And then with the other rule, which requires that every bill appropriating any money whatever should have the yeas and nays called upon it, I believe we should rather divide ourselves into three hundred Congresses and endeavor thereby to get through the business.

I regard the rule as mischievous and utterly impracticable. But if it is to pass I desire an opportunity to move a slight amendment. It is not in order now I believe because there is an amendment to an amendment pending, but I will seek an opportunity to offer it.

The CHAIRMAN. The amendment to the amendment is a merely formal one. Does the gentleman from New York [Mr. COX] withdraw the formal amendment?

Mr. HAWLEY. I ask the attention of the gentleman from New York. Will he permit me to offer a substantial amendment by withdrawing the formal amendment which is now pending?

Mr. COX. I withdraw the formal amendment.

Mr. HAWLEY. I offer the following amendment to the amendment:

Insert after the word "shall" and before the words "be discharged" the word "within ten days."

So that after a majority of the House shall have ordered the measure to be returned in order to place it on the Calendar the committee having it in charge may have time to perfect it. I would have the committee not return it in an entirely crude state but would give it some days to put it in shape. If the amendment is to pass, I think what I now offer will be an improvement.

Mr. BLACKBURN. That is right.

Mr. TOWNSHEND, of Illinois. Let the amendment be now reported as it will read if amended.

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for sixty days during a long session and for thirty days during a short session of Congress, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday immediately after the expiration of the morning hour to offer a resolution or move to discharge the committee from the further consideration of the same, which resolution or motion shall then be considered, and if decided in the affirmative, the committee shall within ten days be discharged and the bill, resolution, or proposition shall be placed on a proper calendar, unless a majority of the House shall determine then to consider the same.

Mr. HARRIS, of Virginia. I desire to suggest that the amendment of the gentleman from Kentucky [Mr. OSCAR TURNER] contemplates that the identical bill should come back before the House as it went to the committee. Now the amendment of my friend from Connecticut [Mr. HAWLEY] anticipates that when it gets before the standing committee that committee may amend the measure or make a substitute for it.

That would not reach what is contemplated by the amendment of the gentleman from Kentucky. His proposition is to bring back the identical bill which was referred to the committee. The object of the ten days' time is to allow the committee an opportunity to amend the bill before reporting it, which would be inconsistent with the object of the amendment proposed by the gentleman from Kentucky.

Mr. FINLEY. I would like to ask the gentleman from Connecticut [Mr. HAWLEY] whether his amendment enlarges the power now given under the proposed Rule XXVIII; whether what is claimed for his amendment cannot be obtained under Rule XXVIII, providing for suspensions of the rules on Monday?

Mr. HAWLEY. I do not see anything about this matter in Rule XXVIII. I will correct what I think is a misapprehension of my friend from Virginia, [Mr. HARRIS.] I think the object of those who favor this proposed new rule is not so much to get back the original bill literally as to get a report upon it, for whatever the committee may report the introducer of the bill will have a right to move as a substitute for the bill reported that which he originally introduced. If the object is to get back a bill as originally introduced, then why refer it at all?

Mr. FRYE. As the gentleman from Connecticut [Mr. HAWLEY] seems to be the one perfecting this absurd proposition, I want to suggest one other point that needs perfecting. There is no provision here for an extra session. In these modern days extra sessions are quite frequent; and will not the gentleman from Connecticut provide for the extra sessions?

Mr. HAWLEY. "The gentleman from Connecticut" has already suggested a remedy; that is, that we divide ourselves into three hundred different Congresses and sit perpetually.

The question was taken upon the amendment of Mr. HAWLEY to the amendment, and it was not agreed to.

The question was then taken upon the amendment moved by Mr. OSCAR TURNER; and upon a division there were—ayes 78, noes 92.

Before the result of the vote was announced,

Mr. TOWNSHEND, of Illinois, called for tellers.

Tellers were ordered; there being 42 in the affirmative, (more than one-fifth of a quorum;) and Mr. OSCAR TURNER and Mr. FRYE were appointed.

The committee again divided; and the tellers reported that there were—ayes 80, noes 108.

So the amendment was not agreed to.

Mr. WHITE. I move to amend Rule XXIV by adding as a new clause what I send to the Clerk's desk.

The Clerk read as follows:

On the first and fourth Fridays of each month, the Calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous Friday,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. When a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.

Mr. WHITE. Members of the Committee of the Whole, who have listened to the reading of this proposed amendment, have discovered that it is the present existing rule of the House, known as Rule 129. By this amendment I propose to renew what we know as "objection day" upon the Fridays indicated therein. I think it is quite proper that the sense of the House shall be tested upon the propriety of retaining the original rule for the consideration of bills upon the Private Calendar.

If the proposed rules now under consideration shall be adopted by the House, all the old rules will be abrogated; and then on every recurring Friday the House will be rushed into the immediate consideration of bills on the Private Calendar, about which members may never have previously heard.

When the existing rule upon that subject was adopted, as far back as 1839, if I recall rightly the history of legislation, the aggregate number of bills introduced during a Congress was not over two hundred, and they were generally of a public character, or relating to something of general interest. We know now that our files are swollen from two hundred bills in 1839 to some six thousand or seven thousand for a term of Congress in each House. Now, if I have read rightly the record, the number of bills already pending in this House, having been introduced by its several members, is about five thousand, three-fourths of which relate entirely to private matters.

The criticism that is made against the existing rule for objection day is that it puts it in the power of one member to exercise his whim and his caprice against any particular bill by objecting to its consideration. Now, I have too high a regard for the discretion and for

the fairness of individual members of this House to charge any one with being influenced by a purpose of that kind. On the contrary, an objection properly made to the immediate consideration of a private bill which proposes to appropriate a large amount of money from the Treasury gives the member and the committee and the country an opportunity to ascertain its actual merits; and if it has merits it will pass, and if it has not it will fail as it should fail.

In answer to this it is said that each of these bills before it gets on the Calendar has received the consideration of a committee of this House. Yet we very often see bills which have received the consideration of committees, and have been placed upon the Calendar upon insufficient evidence, and a judicious objection made to their consideration on objection day has enabled members to discover subsequently that a bill of entirely fraudulent character has been imposed upon the House. I favor the old rule.

[Here the hammer fell.]

Mr. BLACKBURN. I sincerely trust that the amendment of the gentleman from Pennsylvania [Mr. WHITE] will not be adopted. It simply means to re-establish the present rule as it now exists, providing for what is known as "objection day." The Committee on Rules intended, and so stated in their report, to do away with objection day. I defy the gentleman from Pennsylvania [Mr. WHITE] or anybody else to assign one single reason in support of its continuance or maintenance.

What reason is there for continuing a practice which allows any bill on the Private Calendar to be passed over because of a single objection, when if by chance or luck it comes up on the next Friday it is not amenable to that objection at all? Under the proposed amendment one Friday is objection day and the next Friday is consideration day; and just by mere chance, as a bill happens to be reached on that Calendar on objection day, the interposition of a single arbitrary objection suffices to prevent its passage for the time.

Mr. WHITE. Will the gentleman allow me?

Mr. BLACKBURN. I hope the gentleman will not make another speech.

Mr. WHITE. Not at all. Has not the gentleman known bad bills killed by objections?

Mr. BLACKBURN. No, sir.

Mr. WHITE. Well, I have.

Mr. BLACKBURN. I know that these bills never go to the Private Calendar unless they have been reported favorably by standing committees of the House. I take it for granted that until one of the standing committees of the House has carefully considered a bill and recommended its passage it cannot get to the Calendar. When it goes there, a *prima facie* case at least is made out that the bill is entitled to consideration, if not to passage. I would rather have the judgment of one of the standing committees of this House as to the merit or equity of a matter specially committed to it than to have the single unsupported opinion of any member on this floor. Besides, sir, two-thirds of the standing committees of this House report these bills which go to the Private Calendar. I say that if you intend to reinstate "objection day" you should make it apply to every Friday, and not leave it to chance or fortune whether a bill shall be reached upon an objection Friday when the objection of a single member will prevent its consideration, though if the bill had been fortunate enough to have been reached on the Friday before or the Friday after, that objection would have been powerless. The rule as it stands to-day stands without a reason to support it. There is nothing to be urged in its behalf. The Committee on Rules have proposed to strike it down, and to put every bill on the Private Calendar upon an equal footing with every other bill. That is the whole object of the amended rule as embraced in this revision.

The question being taken on the amendment of Mr. WHITE, it was not agreed to, there being—ayes 8, noes not counted.

Mr. STEVENSON. As an amendment to Rule XXIV I submit the following, which I will state is the same proposition as that offered by the gentleman from Kentucky, [Mr. OSCAR TURNER,] except that I have inserted the words "pertaining to revenue."

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition pertaining to revenue shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, after the call of the States and Territories for bills and joint resolutions, to offer a resolution or move to place said bill, resolution, or proposition on the proper calendar, which resolution shall then be considered; and, if decided in the affirmative, the bill, resolution, or proposition shall be placed on the Calendar, and the committee discharged from further consideration of the same.

Mr. HAYES. Is not this the same as the proposition of the gentleman from Kentucky which the Committee of the Whole has already voted down?

The CHAIRMAN. The proposition of the gentleman from Kentucky related to all bills of a public nature. This amendment, as the Chair understands, is confined to bills pertaining to revenue.

Mr. STEVENSON. I have no concealments, Mr. Chairman, as to my motive in offering this amendment. I desire that this House, when a majority of its members so desire, may at any time be brought to a vote upon the tariff. Many bills have been introduced and are now pending before the Committee of Ways and Means, looking to radical reforms in the present tariff. But, sir, as we know by sad experience, these bills are doomed to "that sleep that knows no waking." Notwithstanding the burdens imposed upon the people by the iniquitous and unjust tariff legislation upon our statute-books, we find our hands tied by the rules of this House when we attempt reformation. Bills looking to a removal of these restrictions upon trade, looking to a removal of some of the burdens imposed upon the producing classes by unwise legislation, are doomed to the oblivion of the committee room.

True, sir, a majority of this House may desire to remove the tariff from salt; may desire to place on the free list printing-paper and the chemicals used in its manufacture; may desire, as I do, that all laws of a purely protective character, laws which protect eastern manufacturers at the expense of western producers, shall be repealed. But, sir, what are the facts? As every gentleman knows, these bills are not reported. Day after day, year after year passes, and the people are still doomed to bear the burdens imposed upon them, not in the interest of the Government, but for the benefit solely of a few manufacturers. I repeat, sir, I have no desire to deprive the Government of all necessary revenue. But "where protection begins revenue ceases." Every line upon our statute-book placed there in the interest of protection is at the expense of the producing and other great industries of this country.

Mr. Chairman, at the last session of Congress, by suspension of the rules, we were enabled to pass the bill of the gentleman from Kentucky [Mr. MCKENZIE] placing quinine upon the free list. The country has realized already some of the benefits resulting from that legislation. To accomplish that reform it was necessary to suspend the rules of which we so justly complain. At the present session the gentleman from Missouri [Mr. HATCH] moved the suspension of the rules and the passage of a bill removing the duty upon salt. That bill failed to pass, two-thirds failing to vote for it, notwithstanding its passage was favored by a majority of this House.

Mr. Chairman, under the present rules, if the Committee of Ways and Means are hostile to tariff reform, the majority finds itself powerless. The amendment I have proposed places it within the power of the majority of the House, under wise restrictions, to inaugurate legislation without awaiting the slow or hostile action of a committee. To this end I have offered the pending amendment. As I have said, I have no desire to conceal my purpose. Let this amendment be adopted, and there is hope for those who desire reform in our tariff legislation. I appeal, then, to every gentleman upon this floor who opposes legislation designed to benefit the few at the expense of the many, to stand by the pending amendment.

I have no hesitation, Mr. Chairman, in saying that I greatly prefer the amendment proposed by the gentleman from Kentucky [Mr. OSCAR TURNER] to the one now pending. His amendment was of broader scope. I regret, and I think the majority of this House will hereafter regret, having rejected it. Under that amendment to our rules it would have been within the power of the majority, without reference to the action of committees, to inaugurate wise and salutary legislation. Under that, measures pertaining to reform in tariff and finance could be brought before this House for action. A vote could be secured in this House upon bills looking to financial reform, bills which some of us deem of importance, but which, because of the non-action of the Committee on Banking and Currency, have not been, possibly never may be, reported. There is no way to bring them before the House for action except in the manner suggested in the amendment. If a majority of the members of this House are hostile to them, well and good; but at least, sir, let us have a vote upon them.

One word more, Mr. Chairman. Under the rule proposed, it would have been possible for the majority of this House to have passed the bill equalizing the bounties of soldiers, without reference to the action which may be taken by the committee before whom that bill is now pending. In short, Mr. Chairman, that rule would have given this House at all times the control of its legislation. I trust, sir, that the amendment I have proposed, looking as it does to reform in some of the departments of legislation, may receive the sanction of this House.

[Here the hammer fell.]

Mr. DUNNELL. Mr. Chairman, it seems to me the adoption of the amendment proposed by the gentleman from Illinois [Mr. STEVENSON] would work, as has been already suggested, a very great revolution in our methods of doing business. We have committees appointed for a very worthy purpose—for the careful investigation of questions of legislation. A given question may grow out of thirty or forty bills which have been introduced and referred to a committee. Take this very question of a tariff. Forty, fifty, or sixty bills may have been referred to the committee. With those bills as a basis the committee propose a harmonious and systematic revision of the tariff; with those bills the committee can make such a revision. But if this rule be adopted, then right in the midst of the investigation, when, perhaps, the committee have only half completed the work of revision, any one of these bills may be taken out of the hands of the committee, brought into the House, and put upon its passage. It seems to me that the adoption of a rule of this kind would cripple very many of the committees of the House. They would be uncertain how long a bill was to remain in their hands.

It is said here that this is a democratic government, and it is true.

Mr. LOWE. No; this is an oligarchy of committees.

Mr. DUNNELL. But here in the House of Representatives we are

called upon to legislate under some rules. If a majority may at any time step in and cut short in this way the deliberations of a committee we shall have wrought a great revolution.

Mr. STEVENSON. The amendment proposes to allow a committee ten days in which to perfect a bill after the resolution directing it to be reported has been adopted.

Mr. DUNNELL. Mr. Chairman, that very concession on the part of the gentlemen is an argument against the adoption of the amendment. Take, for instance, some questions which have been before the Committee of Ways and Means. Take the reduction of the tariff on steel rails. That question came before us while we were investigating the tariff upon sugar. We were unable to complete the investigation in ten days whether there should be a reduction of tariff on steel rails. One question follows another; one is linked with another; and it is impossible to get through every question in the short space of ten days.

[Here the hammer fell.]

Mr. BAYNE. I move to strike out the last word.

Mr. Chairman, the effort of the amendment of the gentleman from Illinois is perfectly apparent. It is to take up our present tariff system, item by item, and to strike that system down. That is the purpose of it. The amendment proposed by the gentleman from Kentucky [Mr. OSCAR TURNER] had merit in it, because there doubtless are bills presented in this House entitled to consideration. There are, bills withheld by committees which should come before the House for consideration, and were it not for the fact that the tariff system of the country is confronted by a party which largely favors its reduction or perhaps its extinction, I would have voted for the gentleman's amendment, because I am in favor of the freest and fairest consideration of all measures which may be proposed in this body.

But while I favor that, it must be borne in mind there exist in this country two parties. One party has constantly gone forward in the work of building up and the other of them is distinguished but for one great characteristic, and that is for tearing down. The republican party has built up the institutions of this country. The democratic party is making efforts in every direction to tear those institutions down. It wants to restrict the authority of the United States in every direction. It is desirous of doing it in the tariff system. It is desirous of doing it in reference to courts, and every effort is directed toward the grand achievement of taking away power from the Federal Government and vesting it in the States. This is one of the measures to facilitate and promote that scheme.

It is particularly pernicious when applied to the system to which the gentleman from Illinois particularly applies it, for if there be one thing which should be considered deliberately and fully by the Committee of Ways and Means it is the tariff system.

Look what we did by passing under a suspension of the rules what is called the quinine bill. We permitted quinine in its manufactured state to come in free, and yet we imposed upon many of the articles entering into the composition of quinine a duty, thus discriminating in a double sense against the people of this country and the men engaged in the production of that article. I say, sir, that any rule which will permit the party whose object is not to build up facilities for promoting such legislation on this floor is dangerous, and should not receive the support of this House.

[Here the hammer fell.]

Mr. SIMONTON. I desire to say only a word, Mr. Chairman, and will detain the committee but a moment. It appears to me the gentlemen by raising the cry that this amendment is intended to attack the tariff are about to prevent that modification of our rules which it seems to me just and fair legislation demands. When committees are formed they are the servants of the House by which it accomplishes legislation. That is their legitimate purpose; that is what they are for; and it never was intended they should turn around and be the masters of the House. They are the arms by which it works, by which it effects its purposes, and this is intended only to so curtail the power of committees, so that when they act in direct violation of the will and the wish of the majority of the House they shall be compelled to attend to that legislation which the House wants to effect. It is only under such circumstances this legislation should apply. It never was intended to grant power to obstruct the legislative will of the House.

[Here the hammer fell.]

Mr. BAYNE, by unanimous consent, withdrew the *pro forma* amendment.

Mr. WEAVER. I offer the following amendment:

After the word revenue insert "or finance," so it will read:

"When a public bill, resolution, or proposition appertaining to revenue or finance shall be referred to a standing or select committee," &c.

Mr. Chairman, it is a well-known fact that a majority of the members of this House were elected upon their professed devotion to the doctrine that the Government should issue the currency, and that it should not be issued by or through the banking corporations of the country. And yet it is also true that as the committees of this House are at present constituted it is absolutely impracticable, ay, it is impossible, to get a bill before this House substituting Treasury notes for national-bank currency.

I desire, sir, to offer this amendment in the spirit of fairness, and to test the sincerity of the professed soft-money men of this House. I offer it with all sincerity, and I wish to put gentlemen if not upon the record at least upon their vote on this proposition, to see if there is any substance in their profession of devotion to this doctrine, or whether it be for the mere purpose of hoodwinking the people at home that they may betray them in this House. I ask my democratic friends on my left and I ask my republican soft-money friends on my right to unite with the party of the center in this amendment now pending.

Mr. STEVENSON. I am in favor of the proposition of the gentleman from Iowa; but I think it better to have a vote on his amendment and a separate vote on the amendment I have offered.

The CHAIRMAN. The first question is on the amendment of the gentleman from Iowa to the amendment of the gentleman from Illinois.

The House divided; and there were—ayes 42, noes 55.

Mr. KENNA demanded tellers.

Tellers were ordered; and Mr. WEAVER and Mr. HUMPHREY were appointed.

The House again divided; and the tellers reported—ayes 77, noes 71.

So the amendment to the amendment was agreed to.

The question next recurred on the amendment of Mr. STEVENSON as amended.

Mr. STEVENSON. I call for tellers.

Tellers were ordered; and Mr. STEVENSON and Mr. FRY were appointed.

The House divided; and the tellers reported—ayes 75, noes 101.

So the amendment was rejected.

The Clerk read as follows:

MISCELLANEOUS RULES.

RULE XXV.

PRIORITY OF BUSINESS.

All questions relating to the priority of business shall be decided by a majority without debate.

RULE XXVI.

PRIVATE BUSINESS.

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a majority of the House.

Mr. BAYNE. I offer the following amendment:

The Clerk read as follows:

Insert after the word "business," in the second line of Rule XXVI, the following:

And pension bills and bills for the relief of soldiers and sailors shall have precedence until the Private Calendar shall have been cleared of them.

So that if adopted the rule will read:

"Friday in every week shall be set apart for the consideration of private business, and pension bills and bills for the relief of soldiers and sailors shall have precedence until the Private Calendar shall have been cleared of them, unless otherwise determined by a majority of the House."

Mr. BAYNE. I shall not detain the committee but a moment, as I have but a word to say in reference to this amendment. It will enable the House to take up and to dispose of pension bills and bills for the relief of soldiers without unnecessary delay. It is well known to every member of this House that it often occurs that private bills have to yield precedence to some political questions which take up the whole of the day's session, and as a necessary consequence no action can be had upon the private bills, while at the same time it is due to the members on this side of the House as well as to gentlemen upon the other side to say that there is no hesitancy whatever in acting with all reasonable dispatch upon cases where the rights of the soldiers are involved. All parties agree in their efforts for the passage of bills relating to the pensions of soldiers or for their relief, but other matters get into the House and prevent the consideration of pension bills for days and days at a time—bills which ought to be allowed to go forward to the Calendar for prompt consideration.

It will not prevent the suggestion of my colleague, the Speaker of the House, that a particular night might be set apart for the consideration of these pension bills, but this amendment, if adopted, will simply facilitate the consideration of these bills, and give the House an opportunity to get rid of them and then pass to the consideration of other matters. Without taking up any more time, I will simply say I hope the amendment will be approved by the House.

Mr. RANDALL, (the Speaker.) I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANDALL, (the Speaker.) Is not this substantially the amendment which was voted down before?

The CHAIRMAN. This includes sailors as well as soldiers, which is the only difference the Chair perceives.

Mr. RANDALL, (the Speaker.) I will only say in this connection that I think claimants for pensions are better off now in the House than if this amendment was adopted, because on Fridays the motion to adjourn is constantly made, preventing the transaction of any business, and often, in many cases, it might be difficult to secure a quorum. I believe that pension bills can be passed through this House at any time, and that it is better for the pensioners to leave the rule as it is now.

Mr. BLACKBURN. I wish to ask the gentleman from Pennsylvania a question before he takes his seat.

Mr. RANDALL, (the Speaker.) Certainly.

Mr. BLACKBURN. I want to ask the gentleman whether a prop-

osition is not now pending, which comes up on next Monday first on the list for recognition to suspend the rules, to set apart two evenings for the consideration of pension bills?

Mr. RANDALL, (the Speaker.) It is not on any list, but it is pending.

Mr. BAYNE. I would like to ask my colleague from Pennsylvania a question. Will the adoption of this amendment preclude such action as is proposed to be taken here—that is, to set apart certain evenings for the consideration of pension bills?

Mr. RANDALL, (the Speaker.) If you take all the pension bills from the Private Calendar and give them two or three or four nights, if necessary, there is no occasion for this rule at all. And if I know the temper of this House we will give every night that is necessary in every session to dispose of all the pension bills before the House.

Mr. WARNER. I oppose this amendment for the reason that I think all this pension business should be taken out of the House and referred to a commission; and the chairman of the Pension Committee, as I understand, introduced a bill yesterday looking to this end, which I think will have the early consideration of the House. This House is not the place to consider such bills.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania, [Mr. BAYNE.]

Mr. WILSON. I ask that the amendment be again read.

The amendment was again read.

Mr. BROWNE. I move to strike out the last line.

When this amendment was proposed by the gentleman from Pennsylvania [Mr. BAYNE] I intended to give it my support. But upon the assurance of gentlemen on both sides of the House that pending pension claims shall have at least a night or two during the session, I think perhaps the amendment should not be urged. I notice, however, that when the proposition was made the other day for an evening session to consider pension bills gentlemen objected, and by calling for the yeas and nays on a motion to adjourn prevented even a vote of the House on the question. If that policy is to be pursued, then, as one feeling some interest and some sympathy with the soldiers of this country, I am disposed to vote for any rule that will give them an opportunity of being heard.

I ought to say a word to my friend from Ohio, [Mr. WARNER.] It strikes me that it is too late in the day to raise the question of consideration of private pension bills in the Congress of the United States. This Congress has been acting upon those bills constantly for fifteen years. The question has never arisen as to the impropriety of such action until it has been raised during the present session of this Congress.

These are not properly appeals from the Commissioner of Pensions. There are many cases in which the Commissioner of Pensions could not allow the claims under existing law that so strongly address themselves to the sympathy of the representatives of the people that we are willing to pass them by means of private bills. Hundreds of such cases occur, and many of them are on the Calendar of this House to-day, cases in which the Commissioner of Pensions could not, under existing law, give a pension, and yet, by reason of the peculiar circumstances of the case, it is eminently proper that this House should act upon them.

Gentlemen say it is expensive. Why, we pass two or three hundred claims of this kind, perhaps, during a Congress, and the sum appropriated or taken from the Treasury by those bills is insignificant in comparison with the $29,000,000 that are paid upon the general pension-roll in cases passed by the Department of the Interior.

More than that; the ordinary regular pension list is constantly being diminished by the death of the soldiers, and this diminution will increase from day to day and from month to month; and the cases that we substitute by the action of the Pension Committee and of this House will not increase the aggregate of the money we take out of the Treasury for the payment of these claims. But I am for giving to those who may be entitled to them the pittances they may receive under this action of the House even if it should increase the expenses of the Government.

[Here the hammer fell.]

Mr. WEAVER. Will the gentleman from Indiana allow me to ask him a question?

Mr. BROWNE. Certainly, if the Chair will indulge me so far.

Mr. WEAVER. Did the gentleman from Indiana not vote against the amendment of the gentleman from Kentucky, [Mr. OSCAR TURNER?]

Mr. BROWNE. I did.

Mr. WEAVER. Under that amendment would it not have been possible to have brought in after thirty days the bill offered by me for the relief of the soldiers, known as the soldier bill? The gentleman's professed devotion to the interests of the soldier seems to come in too late after his voting against that amendment.

Mr. BROWNE. Does the gentleman refer to the bill introduced by himself as the peculiar bill of the soldier?

Mr. WEAVER. I do.

Mr. BROWNE. Then I want to say to the gentleman, for I may not have the opportunity of putting myself on the record by my vote, that I should vote against that bill most cheerfully and I ask to be so recorded now.

Mr. WEAVER. I will ask the gentleman further, is his name not on a petition to this House wound around a corn-stalk, on which there are 828 names—General BROWNE's being one of them—in favor of the passage of that bill?

Mr. BROWNE. It is quite likely, sir.

Mr. WEAVER. It is altogether true.

Mr. BROWNE. That only proves that which the gentleman may live long enough to learn, namely, that we have more sense now than we had yesterday.

Mr. WEAVER. It proves this, that the gentleman can profess one thing at home and be another thing here in Congress.

Mr. BROWNE. The gentleman is mistaken. I do not fear the record. The gentleman will find he is mistaken.

The question being taken on Mr. BAYNE'S amendment, it was not agreed to.

Mr. DUNNELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the words "majority of the House" and insert the words "two-thirds of the members present and voting," so that, if amended, the rule will read:

"Friday in every week shall be set apart for the consideration, of private business, unless otherwise determined by a two-thirds vote of the members present and voting."

Mr. DUNNELL. Under these proposed rules the business of all the other days of the week but Friday cannot be dispensed with except by a two-thirds vote. I simply desire to put Friday, which we dedicate and set apart for private business, on the same footing and protected in the same way that the business of other days of the week is protected. I trust the Committee of the Whole will not object to this amendment. We devote but one day in the week to the consideration of private business, and it seems to me that that day should be protected by a two-thirds vote.

Mr. SPRINGER. If the gentleman will yield me the remainder of his time——

Mr. DUNNELL. I will do so.

Mr. SPRINGER. I hope this amendment will be adopted. The vast amount of private business now pending in the House is entitled to have one day in the week set apart for its consideration. At present the delay in the consideration and passage of private measures by this House is such that it amonnts to an almost absolute denial of justice to all persons interested in such measures. It is well known to every member here that we have now on the Calendar of this House something like three thousand or four thousand bills of various kinds for relief to private parties.

Mr. TOWNSHEND, of Illinois. Not on the Calendar.

Mr. SPRINGER. I mean pending before committees of the House and on the Calendar. The parties interested in these bills have no place to go to but to this House for relief. I regret that. I have introduced, and there is now pending before the Committee on the Judiciary, a constitutional amendment prohibiting this House from passing any private bill on any subject, so that if that shall become the law of the land it will force us to provide by general law for the disposition of all such cases. In my judgment that is the proper course. But while there is no general law on the subject, parties cannot obtain redress except by coming to this House. In my judgment this House is the worst tribunal in the world for the settlement of private claims, and it is injustice to the claimants as well as to the Government to force these claims to be brought here. But under the embarrassing circumstances surrounding them I think private claimants should have one day in seven for the consideration of their business.

Mr. BLACKBURN. So do I, unless the majority of the House shall determine otherwise. I hope the amendment will not be adopted.

The question was taken upon the amendment of Mr. DUNNELL; and upon a division there were—ayes 68, noes 56.

Mr. BLACKBURN. I will not ask for tellers, but I give notice that I will in the House call for the yeas and nays on this amendment.

No further count being called for, the amendment of Mr. DUNNELL was agreed to.

Mr. WHITTHORNE. I desire to offer as an independent rule, to come in after Rule XXVI, that which I send to the Clerk's desk.

The Clerk read as follows:

Thursday in every week shall be set apart for the consideration of business on the House Calandar, unless otherwise determined by a majority of the House.

Mr. WHITTHORNE. I offer this as an independent rule, just now, as the Speaker of the House is present, more for the purpose of obtaining his construction of the rules as they are here reported.

For instance, what opportunity for the consideration of business on the House Calendar will there be under the operation of these proposed rules? In other words, if the House is from day to day to go into Committee of the Whole for the consideration of appropriation bills and revenue bills, what opportunity will there be given for the consideration of bills administrative or reformatory in their character on the House Calendar?

In my opinion it will be found that unless the opportunity is given as proposed by the independent rule which I have submitted, there never will be, under the administration of these rules, an opportunity of reaching business upon the House Calendar, so called. I propose by this independent rule simply to put the public business of the country on the same level with the private business under the rule which has just been passed.

Mr. RANDALL, (the Speaker.) I do not propose to give a construction to any rule until it is enacted into a rule. I suppose, how-

ever, that the manner of reaching business on the House Calendar will be within the power of the majority of the House.

Under these proposed rules, after the motion to proceed to business on the Speaker's table shall have been disposed of, the first motion in order will be a motion that the House resolve itself into Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on the Calendar; that is, other bills appropriating money. After that has been disposed of, or if a majority of the House shall vote down the motion to proceed to the consideration of that character of business, it will then be in order to proceed to the consideration of business on the House Calendar. It will be noticed that under the proposed rules the power of the majority of the House is always paramount as to what business shall be considered, except in a few cases where a two-thirds vote is required.

Mr. WHITTHORNE. Begging pardon of the committee, it is just to that point that I wish to call attention. Under these proposed rules measures which take money from the Treasury are to be first in order and to have precedence in consideration. Private bills appropriating money are to have a special day, Friday, set apart for their consideration.

Now, I desire that one day shall be set apart for the consideration of business on the House Calendar, and that that business shall be placed in such a position that if, for instance, it is desired to reform the bank laws of the country, or the judiciary laws of the country, or if we want to enter upon any reformatory or amendatory legislation whatever, we shall not be confronted with the ruling of the Speaker, properly made under these rules, that the consideration of bills appropriating money is first in order. Upon one day at least out of the legislative days of the week let those of us who are interested in the consideration of public administrative questions have the right to move to proceed to the consideration of the Calendar on which they are placed rather than to proceed to the consideration of other business. In other words, my object is to put the public business of the country on precisely the same footing as you have put private business.

Mr. BLACKBURN. Is that what the gentleman proposes by this amendment, when Rule XXIV already provides the order of business, and puts it within the power of a majority of the House at any time to go to the House Calendar, but, anterior to that, if a majority shall so determine, to go into Committee of the Whole House on the state of the Union to consider, first, bills raising revenue, then bills appropriating money? Having gotten through with these, a majority of the House goes to the House Calendar. Now, if the amendment of the gentleman from Tennessee be adopted, it will give to the House Calendar equal rights with bills raising revenue and general appropriation bills on every day of the week, besides an exclusive privilege on Thursdays. One class of public business, the most important of all public business—bills for the raising of revenue and the disbursement of public money—will be refused equal rights, or any rights at all, on Thursdays.

The CHAIRMAN. The Chair will remind gentlemen that debate is exhausted.

Mr. RANDALL, (the Speaker.) It is best that we should understand this matter.

The CHAIRMAN. If the point is not made the Chair will indulge gentlemen.

Mr. RANDALL, (the Speaker.) I would like to refer the gentleman from Tennessee to Rule XIII, which creates the calendars. The first clause specifies exactly what shall go to the Committee of the Whole House on the state of the Union: First, bills raising revenues; second, general appropriation bills; third, bills of a public character directly or indirectly appropriating money or property. Now, the reason these bills are included in this clause is because under another rule bills raising revenue or appropriating money must receive their first consideration in Committee of the Whole on the state of the Union.

The second clause of Rule XIII provides a "House Calendar." What bills go to that? "All bills of a public character not raising revenue nor directly or indirectly appropriating money or property." These bills need not go to the Committee of the Whole at all for consideration; they are not subject to a point of order and can be considered in the House.

These rules are not subject to the criticism made by the gentleman from Tennessee, that we have given undue advantage to private bills over public. Whenever the motion to go into the Committee of the Whole on the state of the Union is made a majority of the House, if they wish to reach the House Calendar, have only to say, "No, we will not go into Committee of the Whole on the state of the Union to consider bills raising revenue or appropriating money; we want to get to the House Calendar to consider general public business." The motion to go into Committee of the Whole on the state of the Union being negatived, the next motion is to consider the House Calendar, which is thus readily reached. It will be seen, therefore, that the thirteenth rule and the twenty-fourth rule are in exact harmony, one creating the Calendars, the other specifying the order of motions with reference to business on the Calendars.

Mr. WHITTHORNE. If I can have the attention of the House for a moment I propose to follow the order of proceeding under these rules. Upon Tuesday, Wednesday, Thursday, and Saturday we follow a regular order of business, which cannot be suspended except by a two-thirds vote. The first thing in order is business on the Speaker's table. The next thing (mark it) is the motion—

That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar; second, to proceed to the consideration of business on the House Calendar.

Now I submit that under this language the Speaker will hold that the motion to go into Committee of the Whole on the state of the Union is first in order, and until that is disposed of the motion to proceed to business on the House Calendar cannot be entertained. Now I propose that there shall be one day of the six on which this order will be reversed; that on Thursday it shall be first in order to move to go to the House Calendar for the consideration of general measures of reformatory legislation.

Mr. RANDALL, (the Speaker.) Mr. Chairman, the gentleman says that on Thursdays he wants to reverse the order of these motions. Now, I wish to say that under the first clause of the rule there is but a single motion—to go into the Committee of the Whole House on the state of the Union. When in Committee of the Whole House the Chairman is to recognize, first, any member moving to consider a revenue bill; next, any member desiring to consider a general appropriation bill; thereafter, any member proposing to consider in their order the various bills that may be on the Calendar appropriating money. The House, if it wishes to reach the House Calendar directly on Tuesday, Wednesday, Thursday, or Saturday, has but to vote down the proposition to go into Committee of the Whole House on the state of the Union; and the very next motion is to proceed to the consideration of business on the House Calendar.

Mr. WHITTHORNE'S amendment was rejected.

The Clerk read as follows:

RULE XXVII.

UNFINISHED BUSINESS OF THE SESSION.

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session which remained undetermined, shall be in order for action, and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

Mr. BLACKBURN. Mr. Chairman, before moving the committee rise, I wish to ask unanimous consent for the Committee on Rules to return to Rules XXIII and XXIV in order to offer thereto certain amendments which were agreed to by the committee, and which would have been offered when those rules were under consideration but for the fact the clerk of that committee was necessarily absent during that day. They are not material, but they are valuable in the judgment of the committee, and I ask unanimous consent for the committee that it may return to these two rules to submit such amendments as have been unanimously agreed to.

A MEMBER. And no other amendment.

Mr. BLACKBURN. Yes, sir; and no other than those agreed to by the Committee on Rules. I will state for the information of the committee, neither one of those amendments has yet been offered or considered by the House.

The CHAIRMAN. The Chair will suggest if the amendments are now ready it will be better to let them be read.

Mr. BLACKBURN. I will ask the five amendments be printed in the RECORD to-morrow morning.

Mr. CLYMER. I reserve the point of order.

The CHAIRMAN. Does the gentleman reserve the point of order on the right of the committee to go back?

Mr. CLYMER. I do. I am perfectly willing they should be printed, but I desire to see or hear them before I consent to their being offered.

Mr. BLACKBURN. I withdraw the request, and, in my own right and under instructions of the Committee on Rules, will offer them in the House.

Mr. CLYMER. The gentleman will understand I do not wish to antagonize the Committee on Rules.

Mr. BLACKBURN. Then I cannot understand the action of the gentleman at all. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the proposed revision of the rules reported from the Committee on Rules, and had come to no resolution thereon.

FEBRUARY 27, 1880.

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REVISION OF RULES.

The motion of Mr. BLACKBURN was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the report of the Committee on Rules. The Clerk will read.

The Clerk read as follows:

RULE XXVIII.

CHANGE OR SUSPENSION OF RULES.

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on every Monday after the call of States and Territories shall have been completed, and during the last six days of a session.

Mr. RANDALL, (the Speaker.) The Committee on Rules have agreed upon certain amendments to be proposed to this rule. Those amendments were placed in the charge of the gentleman from Maine, [Mr. FRYE,] but I do not see him in his seat at this time.

Mr. BLACKBURN. I will ask that the amendments referred to by the gentleman from Pennsylvania [Mr. RANDALL] be allowed to be offered hereafter.

Mr. HARRIS, of Virginia. I have an amendment to offer to this rule.

The CHAIRMAN. The Chair will first entertain the amendments recommended by the Committee on Rules.

Mr. RANDALL, (the Speaker.) I see that the gentleman from Maine [Mr. FRYE] is now in his seat.

Mr. FRYE. I am instructed by the Committee on Rules to propose the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out the words "every Monday" and insert in lieu thereof the words "the first and third Mondays in each month," and after the word "completed" insert the words "preference being given on the first Monday to individuals and on the third Monday to committees;" so that it will read:

"No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays in each month, after the call of the States and Territories shall have been concluded, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session."

Mr. FRYE. It will at once be seen what this amendment will effect if adopted. It will leave all the Mondays but two in each month for useful business and legislation. Under the present rule motions for suspension of the rules can be made on every Monday. Now, few gentlemen in this House have failed to see what the effect of such a rule as that has been. After the States and Territories have been called on Monday for the introduction of bills for reference, motions to suspend the rules have been in order. And since I have been in Congress the result has been that two-thirds of the time on each Monday has been utterly and entirely wasted.

In the first place, it is understood that any gentleman under the present rule may bring before the House any resolution he may see fit, and compel us to vote upon it. Political resolutions are in order, and to prevent their being offered to the House every now and then we adjourn immediately after the call of States has been completed, and the remainder of that Monday is wasted.

During this session of Congress the gentleman from Iowa [Mr. WEAVER] has been endeavoring to get a resolution before this House. Four or five times the House has adjourned on him, and finally the Speaker, exercising a right which he has the authority to exercise, and performing a duty which I think he ought to have performed, has given the floor for motions to suspend the rules to committees who have unanimously made such a request rather than to individuals. In that way three or four committees have been able to get propositions before the House for consideration. But all the rest of the Monday after the morning hour has been wasted. That will be the history of Mondays during this whole session of Congress unless a change is made in the rule.

It seems to me that we have been sent here for some useful purpose, to do some good, not to be compelled to go upon the record on foolish propositions, on propositions the majority of which are mere humbug propositions—simply, thin attempts at demagogy. That is true of two-thirds of the individual resolutions which have been offered on Monday.

The Committee on Rules propose to give to individuals one Monday in every month, and to committees one Monday in every month for motions to suspend the rules. In that way the gentleman from Iowa [Mr. WEAVER] will at any rate have one Monday in a month when his resolution would be in order, and the committees would have another Monday. The Committee on Rules have recommended this amendment in the interest of legislation.

Mr. HARRIS, of Virginia. I will ask the Clerk to read an amendment which I have prepared, and which I think will accomplish the very purpose referred to by the gentleman from Maine, [Mr. FRYE.] His argument goes to show that the House ought not to be compelled to entertain propositions that do not look to actual legislation. We have all witnessed the scenes to which he has referred. The House of Representatives, almost like a parcel of school-boys, meet and adjourn again and again, because some gentleman entitled to the floor proposes to offer a resolution expressing a mere opinion, a mere catch resolution, proposing no legislation if it shall pass. To avoid that the House has presented the spectacle to the country of adjourning in order to prevent members from being called upon to vote on a proposition which when voted upon would amount to nothing, and if adopted would be only an expression of opinion and can result in no practical legislation.

I have prepared an amendment which will cut off on every Monday these resolutions looking alone to mere expression of opinion, and not leading to any useful legislation for the country.

Mr. STEVENSON. I would like to ask the gentlemen whether it is not proper for the House of Representatives to express an opinion upon questions of public interest, even if no legislation is contemplated?

Mr. HARRIS, of Virginia. I think the House of Representatives has no business to express opinions which neither influence any one nor instruct any one. We have a right to call for information from those who can give it; my amendment would not cut off such resolutions. And we have a right to adopt practical resolutions which look to practical results in legislation. But that Congress should erect itself into a body to express opinions, not in the form of law, is, I think, conducive to no public good and certainly no private interest. For this reason I propose the amendment which I have sent to the desk.

The Clerk read as follows:

But the Speaker shall not entertain a motion to suspend the rules on Monday to consider a resolution or proposition merely expressing the opinion of the House upon the question proposed.

Mr. HARRIS, of Virginia. I shall offer this amendment at the proper time.

The CHAIRMAN. It would not be in order now. The question is on the adoption of the amendment proposed by the gentleman from Maine [Mr. FRYE] by instruction of the Committee on Rules.

Mr. RANDALL, (the Speaker.) The Committee on Rules are unanimous in favor of the amendment of the gentleman from Maine.

The amendment of Mr. FRYE was agreed to.

Mr. HARRIS, of Virginia. I now offer the amendment which has already been read.

Mr. FRYE. If the gentleman will withhold his amendment for a moment—

Mr. HARRIS, of Virginia. I will do so.

Mr. FRYE. I have two amendments which I am instructed to offer by the Committee on Rules, and which, if adopted, may do away with the necessity for the amendment of the gentleman from Virginia. I move to insert the following as clause 2 of Rule XXVIII:

All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded, as in the case of the previous question.

A rule similar to this was adopted in the Forty-Third Congress, I believe. Why it was given up I do not know. I remember that it worked well during that Congress.

The CHAIRMAN. The Chair will take the liberty of suggesting that these new rules, if adopted, will not require the previous question to be seconded by a majority.

Mr. RANDALL, (the Speaker.) Let the concluding words of the amendment, "as in the case of the previous question," be struck out.

Mr. FRYE. I modify the amendment in that way.

Mr. MCMAHON. Mr. Chairman, I concur in a great deal that has been said about "buncombe" resolutions offered on Monday, but I think this House had better be a little careful before it deprives itself of an important power. I do not speak now particularly of the present Congress or the committees of the present Congress. I acknowledge that in this Congress and in the last Congress the committees have been liberal, and have in many cases reported bills adversely in order to get them before the House, even when the committee did not concur in the opinion of the proposer of the bill.

Mr. RANDALL, (the Speaker.) The gentleman will allow me to suggest that an adverse report does not prevent a bill from coming before the House.

Mr. MCMAHON. The Speaker does not understand my proposition. Take the case as it was in the Forty-fourth Congress. If any one thing was plain in the course of the Forty-fourth Congress, it was that committees "sat down" upon public measures and private measures—gave the House no opportunity to vote even when two-thirds might be in favor of a particular measure.

Now, I for one despise the mere political part of the proceedings of Monday; but as a Representative I would like to see this House preserve to itself, untrammeled by too many votes, (and this proposition brings in another vote,) the right to instruct a committee as the sense of the House to report at an early day some bill which is pending before the committee. We ought not to create any restriction in this respect.

Mr. RANDALL, (the Speaker.) If a majority cannot be obtained to second a proposition for suspension of the rules, of course a two-third vote for suspension cannot be obtained.

Mr. MCMAHON. But the point is this: when you have a count by tellers, motions to adjourn, &c., you waste th eonly day in a whole month upon which individuals can have an opportunity to present these propositions. I want gentlemen to consider whether we ought not to preserve to ourselves the right to have one day in a month on which we can take the sense of the House—not merely for purposes of political effect but for the purpose of expressing the opinion of the House upon a question of legislation, or for the purpose of instructing a committee to report a bill which the committee may be disposed to smother.

Mr. RANDALL, (the Speaker.) Mr. Chairman, the excuse hereto

fore given by committees for the omission to report has been a just one—that they have not had the opportunity. The committees, in other words, have been but rarely called during the morning hour because it has been consumed in debate, as we have seen has been the case recently. Now, the Committee on Rules in this revision have proposed an alteration in this respect. They have recommended that the morning hour be confined to the presentation of reports from committees. Under the operation of this rule, in my judgment, no committee of this House will fail to have an opportunity to report the measures submitted to its judgment. This is an immense advantage.

As to this suspension of the rules on Monday, if a majority vote cannot be obtained to second the motion, of course two-thirds will not vote for the suspension. Hence in the judgment of the Committee on Rules it appeared proper that a proposition on which a two-third vote is required should first be seconded by a majority vote on a count by tellers before the question on suspension, requiring a two-third vote, should be taken.

Mr. DAVIS, of North Carolina. I rise to a parliamentary inquiry. The gentleman from Maine [Mr. FRYE,] from the Committee on Rules, has offered an amendment which has been adopted. Now, suppose any member should desire to offer an amendment to come in at the end of that amendment, will he be precluded by the course pursued in yielding to members of the Committee on Rules to submit amendments.

The CHAIRMAN. The Chair would not, unless instructed by the committee, exclude gentlemen from offering amendments to this, because the practice has been always to take the question first on amendments offered by the committee.

Mr. RANDALL, (the Speaker.) The committee does not desire to restrict any amendment in any way.

Mr. GILLETTE. I would like to inquire whether this privilege of moving suspensions of the rules on Monday does not also include the privilege of moving suspension of the rules for the introduction of individual bills as well as for the introduction of resolutions?

Mr. RANDALL, (the Speaker.) Anything, of course.

Mr. GILLETTE. So I understand it. I would like to inquire whether this is not the only door open, if it is open, to an individual who is in the minority in this House and wishes to bring some measure before this body for action—whether this is not the only opportunity he can have to do it, unless some committee is willing to report his measure to the House?

The CHAIRMAN. That is not a question addressed to the Chair.

Mr. GILLETTE. Will the Chair let me address the question to our honorable Speaker?

Mr. RANDALL, (the Speaker.) It is a plain case. The committee were unanimous in giving the opportunity on one of these Mondays to individuals to present measures for suspension, motions for suspension to pass a bill, or to consider it, or to adopt a resolution or opinion, or anything else, if they can get the proper vote in the House to do it. The object, really, of the committee is to give always two Mondays to general legislation, and in the months where there are five Mondays we, of course, gain another Monday.

Mr. GILLETTE. This last proposed amendment simply takes one more step, puts one more impediment in the way of an individual who has not the opportunity of reaching the House through committees—prevents his getting any measure before the House, whether resolution or bill. And I protest, in the interest of districts which are in the minority, whose Representatives have no opportunity through committees to reach this House—I protest, I say, against any measure which in the least impairs this one day in the month and prevents an individual member from getting his business brought forward.

Mr. RANDALL, (the Speaker.) Under the practice of having individuals recognized individuals might not get one day in the month, but the committee have opened the door so they shall have one Monday in the month.

Mr. BRAGG. I move to strike out the last word. I have not endeavored to enlighten this House on the subject of these rules during the last two months, but I have listened to the discussion of the rules with some interest; and now that we have come to the consideration of this rule I see, from my little experience, a great evil from the legislation which has grown up under it. I have seen that evil admitted on this floor this morning, and admitted by the Committee on Rules. But instead of giving it heroic treatment, they are endeavoring to compromise with it and still let the root of the evil live.

One gentleman has objected to the rule authorizing suspension of the rules because it propounds to this House suddenly political conundrums, having no effect except to embarrass the members of the House who are to vote on them. Another gentleman, representing the Committee of Claims, has protested the suspension of the rules because it permitted demagogy to come in.

Now, sir, I protest against this rule and the suspension of the rules under it, not only as applicable to Monday but as applicable, and more particularly so, to the last six days of the session. My objection is in the interest of good, sound, conservative legislation. In my judgment, no matter ought ever to be presented to the consideration of this House for its vote, unless it be such a matter as has been first considered, digested, canvassed, and weighed by a committee of this House. I have seen, and I think every member of this body has seen that if you will in the last six days of a session allow two-thirds of a quorum to pass bills which have never been considered in any committee at all, it requires but a very little consultation among those who are remaining to secure the passage of a series of bills which are more damaging as legislative matters than any other legislation which takes place during the entire session. And, therefore, sir, I propose to offer an amendment to this bill which shall dispose of the question of demagogy which the gentleman from Maine spoke of, and the conundrums the gentleman from Virginia spoke of, by simply letting the rule stand as it is and adding at the end thereof "and then only," meaning the House shall suspend the rules or the Speaker shall entertain a motion to suspend the rules on the Monday and on the last six days of the session "and then only for the consideration of a bill or resolution favorably reported by a committee of the House;" or, to give the case suggested by the gentleman from Ohio, when a committee that is hostile to a bill seeks to suppress it and will not give the House an opportunity to vote on it, to instruct a committee of the House. So, with my amendment adopted, there is left a power in the House to instruct by a suspension of the rules a committee of the House on any Monday, and a prohibition on any Monday, or on the last six days of the session, to foist legislation upon the statute-books that is not respectable enough to receive the favorable consideration of the committee.

Mr. BLACKBURN. The history of this rule, Mr. Chairman, shows that a reduction has been made in the number of days on which a suspension of the rules can be had. It was originally fixed at ten days instead of six days that motions were in order to suspend the rules. That rule was adopted in 1820. It stood so until 1874. In 1874 the time was reduced from ten days to six days preceding the close of the session of Congress. The Committee on Rules, so far as that limit of time is concerned, have left it just as they found it in the original rule, the shortest period known in the history of Congress.

Now, the amendment submitted by the member from Maine on the Committee on Rules, and agreed to by this Committee of the Whole, limits the right to suspend the rules on Monday to one-half when compared with what it was under that existing arrangement, for it is only upon two Mondays in the month that this motion can be submitted. Upon one of these only can it be made by a member individually, and upon the other Monday in each month it can only be moved by authority and direction of a committee. I think, sir, the Committee on Rules and the amendment offered by the gentleman from Maine, which has been agreed to, have certainly gone a good long way toward restricting the power of which the gentleman complains.

Mr. HAWLEY. Did the gentleman from Wisconsin offer an amendment?

The CHAIRMAN. Not yet.

The question was taken upon Mr. FRYE's amendment; and it was agreed to.

Mr. FRYE. Mr. Chairman, I now offer the following amendment to clause 3.

The Clerk read as follows:

When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to such proposition.

Mr. FRYE. That explains itself. It is simply to give members generally a chance to explain the reasons for their action, and place themselves upon the record.

Mr. BLACKBURN. It only carries, as I understand it, debate to thirty minutes, to be divided equally between the sides.

Mr. FRYE. That is all.

The amendment was agreed to.

Mr. HARRIS, of Virginia. I move to insert the following as a separate clause.

Mr. FINLEY. I hope the gentleman from Virginia will wait a moment, as I desire to offer an amendment to the first clause.

Mr. HARRIS, of Virginia. I am willing to hear it read.

Mr. BRAGG. I desire to ask a parliamentary question. The amendment which I propose to offer was to come in at the end of the rule. I understand now the proposition is to add a distinct and separate clause to the rule, as stated in the report of the Committee on Rules.

The CHAIRMAN. The Chair did not understand the gentleman from Wisconsin to send his amendment for immediate action, but with a view to having it inserted at the end of the rule, which would seem to be the most appropriate place for it, as it states the purpose for which the rules might be suspended.

Mr. BRAGG. The form of the amendment, as I have drawn it, is to add it at end of the rule.

The CHAIRMAN. Then this is a separate clause which is offered here; and it is proper that the amendment of the gentleman from Wisconsin should come in after action is taken upon this or any other matter which may be added to the rule, since his proposed amendment is a limitation upon the purpose for which the rule can be suspended.

Mr. HAWLEY. Are we going back to the first clause of the rule?

The CHAIRMAN. The Chair has announced that having entertained the amendments offered by the Committee on Rules, he will

give other gentlemen the privilege of offering amendments to this rule.

Mr. HAWLEY. I understand that the committee has perfected the rule and made three clauses. Now, do we go back and begin at the first clause?

The CHAIRMAN. The Chair will entertain amendments to the first clause.

Mr. FINLEY. I offer the following as an amendment.

Mr. HARRIS, of Virginia. I only yield to allow the proposed amendment to be read.

The Clerk read as follows:

After the word "Monday" insert "or on the first and third Tuesdays if no session is held on Monday."

Mr. FINLEY. That is pertinent to the first clause of the bill.

Mr. HARRIS, of Virginia. I ask the Clerk now to read my amendment.

The Clerk read as follows:

But the Speaker shall not entertain a motion to suspend the rules on Monday to consider a resolution or proposition merely expressing the opinion of the House on the question proposed.

Mr. HARRIS, of Virginia. My amendment is offered as an addition to the rule offered by the gentleman from Maine, [Mr. FRYE.] It is very narrow. It does not interfere with legislation. It does not interfere with a joint resolution in the nature of a bill. It does not interfere with a resolution of instruction to a committee. It does not interfere with a resolution of inquiry addressed to any of the Departments. It does not interfere with practical legislation or with the expression of opinion of the House on any practical question before the House or before either body. But it simply prevents the Speaker from entertaining a motion to suspend the rules to express an opinion upon a mere abstract question; the vote upon which, if unanimous, amounts to nothing but an expression of opinion. It interferes with no call for information. It interferes with no demand for a committee to report; for that is practical legislation. A resolution instructing a committee to report would not be covered by that amendment.

As the matter now stands, while the committee have tried to restrict this thing that we witness every Monday to only two Mondays in the month, you will find practically that has not been done. There is a provision in the amendment just adopted that a majority shall second the motion. Now, what will be the effect if gentlemen do not want to vote on the question? Suppose my friend from Iowa [Mr. WEAVER] should offer his resolution and demand tellers under this new rule. If the motion were seconded, then at once some gentleman would move that the House adjourn, to get rid of voting on the question. We would have the same scenes over again that we have witnessed here from time immemorial.

Therefore I think my amendment should be adopted, in the interest of economy of time, and in the interest of legislation, and to put a stop to this constant system of introducing resolutions, whether for buncombe or for personal motives or for what not; resolutions at least that do not amount to business of a practical character for the interests of the country.

Mr. BRAGG. I offer as a substitute for the amendment of the gentleman from Virginia what I send to the desk.

Mr. LOWE. I have risen to oppose the amendment of the gentleman from Virginia.

The CHAIRMAN. The Chair will give the gentleman from Alabama an opportunity to be heard in due course. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amend Rule XXVIII by adding the following:

But the Speaker shall entertain no motion to suspend the rules except for the consideration of a bill or resolution favorably reported by a committee of the House, or to instruct a committee of the House.

Mr. HAWLEY. I do not see that the amendment offered by the gentleman from Wisconsin necessarily conflicts with that offered by the gentleman from Virginia. I think it should rather be offered as a separate clause. I do not see the necessity of substituting it for the amendment offered by the gentleman from Virginia. They are quite independent of each other.

I rose, however, to say, Mr. Chairman, that I had drawn a separate clause, which I propose to offer as an addition to the rule, covering very much the same ground as that covered by the amendment offered by the gentleman from Wisconsin, or perhaps a little more. I propose to offer a clause like this:

No motion to suspend the rules and pass a bill shall be entertained, unless the bill shall have been referred to a committee, reported therefrom, printed and distributed to the members at least one legislative day before the motion for suspension be made.

Now, I care less about so much of that as calls for a reference to a committee and a report therefrom as I do about that part which calls for a printed copy of the bill. That part of it I should strenuously urge.

I comprehend the feelings of the gentleman from Iowa, [Mr. WEAVER,] who, in a minority on some topics, is anxious to be heard. But I would suggest to the gentleman from Iowa that he can be heard practically by offering amendments to bills as they are in progress through the House. If he has ideas that he thinks of importance to the country it is hardly worth while to spend an hour calling the roll upon them unless he can get a majority of the House to embody his views in practical legislation. But if he desires simply to test the sense of the House he can do so equally well by offering an amendment to some bill which may be under discussion in the House.

I sympathize with the honest purpose of a small minority to get an expression of their views, but I do very much object to bringing in a bill here in manuscript on Monday and rushing it through. I do not know whether I shall refer to a particular case or not. But let us suppose that a bill has been before a committee in one Congress and could get no report in its favor; that it has been brought before another committee in a second Congress and could not get any report in its favor, and then in a third Congress it has been brought before a committee which no one would ever suspect had charge of such a measure, and then it was brought before the House in manuscript and carried through under a suspension of the rules. That is what I object to.

Mr. MCLANE. Will the gentleman permit me to ask him how, in the case he supposes, the gentleman from Iowa [Mr. WEAVER] could get his views submitted to the House by an amendment?

Mr. HAWLEY. What I said upon that point was merely a side remark. The purpose I have in view is that no bill, unless it has been referred to a committee and reported therefrom, and unless it has been put in print and distributed, shall be allowed to take up time on Monday. And, by the way, that clause is in the new constitution of Pennsylvania, which is supposed to be a model document. That constitution provides that no bill shall be passed under a suspension of the rules, or in any other way, unless it be referred to a committee and reported therefrom.

If the gentleman from Wisconsin [Mr. BRAGG] is content to have added the idea of printing and distributing bills, he and myself might wait and submit the proposition as a separate clause. I will not submit it now, but will defer it for the present.

Mr. LOWE. I am opposed to the amendment of the gentleman from Virginia [Mr. HARRIS] because I think that in itself and of itself it reflects upon this House. He seems to think that certain members of the House have two platforms concealed about their persons, and that they are unwilling that any bill of discovery or search warrant in the nature of a resolution on Monday should go through their political consciences and show the people that they talk one way at home and act another way here. Now, sir, in the consideration of these proposed rules we have been drifting day by day farther and farther from individual responsibility to the people. The House is no longer democratic; it is an oligarchy of rules, dominated by the Speaker, and such a thing as individual responsibility is unknown here. The committees are responsible, the majority of the members of the House is responsible; but the individual is lost in the action which results from the organization of the House.

What are you afraid of? Is it the banks, or the railroads, or the protectionists? Do you dread the syndicate or the corporations? Shades of Jefferson and Jackson! Where is the honesty and courage which once characterized your party? It has gone, and we have nothing but trickery and truculence.

Now, I am like every man who is in a minority; I exalt personal liberty, and oppose the powers that be. I do it in sheer self-defense. I do not want to be ignored or suppressed. I represent here a constituency as honest and as intelligent as any other constituency. And I want an opportunity under the rules to test the sense of this House upon questions that are before the country. I have no sentiment or opinion here which I seek to conceal or hide away from the people at home. And I have no sympathy or feeling in common with the demagogy and cowardice which hopes to escape responsibility by evasion and silence.

Heretofore we have had the right, each member, to bring his views before the House and the country; but lately, under the practice of the Speaker, we have been denied that right. And we now understand that under the rules of the House, to be deliberately adopted for that express purpose, individuals are to be suppressed or ignored, and nobody is to be heard here upon any politico-economical question during this session pending the presidential election. That is the whole of it, and we want the country to so understand it.

Mr. HARRIS, of Virginia. One word in reply to my friend from Alabama, [Mr. LOWE.] I assure him and the committee that I had not the slightest reference to persons or to parties. My amendment was wholly in the interest of economy of time and practical legislation.

Mr. WEAVER. Will the gentleman allow me to ask him a question?

Mr. HARRIS, of Virginia. Certainly.

Mr. WEAVER. I understand the gentleman to say that he has not the slightest reference to either persons or parties. Now, I ask him if he did not mention my name in his remarks?

Mr. HARRIS, of Virginia. I mentioned the gentleman's name for the reason that it had been before referred to to illustrate the proposition that the House had adjourned in order to avoid voting on a certain question. Now, I am willing to vote on that question——

Mr. WEAVER. Does the gentleman think that more time would be lost by voting on the resolution than would to adjourn?

Mr. HARRIS, of Virginia. If the gentleman will introduce a bill for action, instead of a mere clap-trap or buncombe resolution, he will not find me unwilling to vote on it.

Mr. WEAVER. The clap-trap and buncombe come in on the stump in the gentleman's district, and in other districts where members express one thing and then in this House act another.

Mr. HARRIS, of Virginia. If such a resolution as the gentleman refers to should pass it would amount to nothing more than a resolution adopted by a town meeting in his district. I am opposed to taking up the time of this House in discussing and voting on a resolution which, if adopted, will amount to nothing. If the gentleman wants to have a law passed on the currency question, let him bring in a bill that can be voted upon, and which, if passed, will have the effect of law. It is to avoid voting on this sort of stuff which is brought before the House that members adjourn, and to prevent the necessity for that I have offered my amendment.

Mr. WEAVER. I move to strike out the last word. It is well understood by the gentleman from Virginia [Mr. HARRIS] and by this entire House, and it is becoming well understood by the country, that it is not a bill that he wants or that this House wants, for there are several bills pending before committees of this House, introduced by myself and others, which do bring up that very question. But the committees are so managed that those bills are smothered and cannot be brought to the light of day. The gentleman well understands this, and so does the whole country.

And then when I seek or any other member of this House seeks to introduce a resolution in order to present the very principle which is contained in these bills, and in which the country takes the deepest interest, such a resolution is called clap-trap. Sir, the clap-trap is used before the people on the stump to make them believe that a particular member is in favor of one thing, and then when he comes into this House he is found to be in favor of tabooing that very principle by indirection through the machinery of a committee of this House. I am astonished to hear such gentlemen claiming to represent the democracy of this country, when it is well known that ninety-nine out of every hundred of the democratic party west of the Alleghany Mountains are in favor of the principles contained in the resolutions which have so frightened this House for five weeks, and which I now send to the Clerk's desk to have read as a portion of my remarks. [Laughter and applause.] I want the country to understand that these gentlemen, when these resolutions are sought to be brought before this House, call them clap-trap and humbug; but they are the soundest doctrine imaginable at home on the stump.

The Clerk read as follows:

Resolved, That it is the sense of this House that all currency, whether metallic or paper, necessary for the use and convenience of the people, should be issued and its volume controlled by the Government, and not by or through the bank corporations of the country; and when so issued should be a full legal tender in payment of all debts, public and private.

Second. *Resolved*, That in the judgment of this House, that portion of the interest-bearing debt of the United States which shall become redeemable in the year 1881, or prior thereto, being in amount about $792,000,000, should not be refunded beyond the power of the Government to call in said obligations and pay them at any time, but should be paid as rapidly as possible, and according to contract. To enable the Government to meet these obligations the mints of the United States should be operated to their full capacity in the coinage of standard silver dollars, and such other coinage as the business interests of the country may require.

Mr. WEAVER. Now I can well understand why it is that the leaders of the democratic party, being in the East for hard money and in the West for soft money, do not wish to be put on record upon resolutions of this kind on the eve of a presidential election. I understand that very well. But these resolutions are now before the country, and I shall be found standing here inserting the thorn in the flesh every Monday from now until the adjournment of Congress, unless sooner gratified, seeking recognition. I am determined that gentlemen in this House shall be put upon the record on those resolutions and their public professions tested.

Mr. HARRIS, of Virginia. Will the gentleman tell us whether he voted for the amendment of the gentleman from Texas [Mr. MILLS] providing that all propositions touching coinage and currency might be put on appropriation bills as "riders?"

Mr. WEAVER. I will answer that question. I stand here as an humble representative of the greenback party, opposed to putting any "riders" on appropriation bills, whether State-rights "riders" or greenback "riders." [Applause.] I want every bill to come up on its merits. The gentleman and his political associates had better recede from their idea of putting political "riders" on appropriation bills, or there will not be enough of the democratic party left after the next election to form a corporal's guard. [Laughter and applause.] It is neither true democracy nor wise legislation.

Mr. RANDALL, (the Speaker.) Now I suggest that we go on with the rules.

The pending question was upon the amendment of Mr. BRAGG to amend Rule XXVIII, by adding the following:

But the Speaker shall entertain no motion to suspend the rules except for the consideration of a bill or resolution favorably reported by a committee of the House, or to instruct a committee of the House.

The amendment was not agreed to.

The question recurred on the amendment of Mr. HARRIS, of Virginia, to add to the pending rule the following:

But the Speaker shall not entertain a motion to suspend the rules on Monday to consider a resolution or proposition merely expressing the opinion of the House upon the question proposed.

The amendment was not agreed to, there being ayes 14, noes not counted.

The CHAIRMAN. The gentleman from Ohio [Mr. FINLEY] sent to the desk some time ago an amendment, which is now in order, and will be read.

The Clerk read as follows:

After the word "Monday" insert "or on the first and third Tuesdays, if no session is held on Monday."

Mr. FINLEY. I ask that the Clerk read the rule as it will stand if this amendment be adopted.

The Clerk read as follows:

No standing rule or order of the House shall be recinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals, and on the third Monday to committees; or on the first and third Tuesdays, if no session be held on Monday, after the call of the States and Territories shall have been concluded, and during the last six days of the session.

Mr. FINLEY. I desire to say only a word upon this amendment. Under the rule as now amended the Speaker is not at liberty to recognize motions to suspend the rules except on two Mondays in each month. Now, it occurs to me that when there is no session of the House on Monday we should not by that fact be deprived of the benefits of the rule.

The queston being taken on the amendment of Mr. FINLEY, it was not agreed to; there being—ayes 16, noes 54.

Mr. SCALES. I move to amend by inserting the following at the end of the first clause:

But the Speaker shall not at any time, except during the last six days of a session, entertain a motion to suspend the rules and pass a bill making appropriations for the improvement of rivers and harbors, or any general appropriation bill.

I do not think it necessary, Mr. Chairman, to discuss this amendment. I believe it explains itself; and I hope it will commend itself to the House.

Mr. DAVIS, of North Carolina. I move to amend the amendment of my colleague [Mr. SCALES] by adding thereto the following:

And no bill appropriating money to the amount of $5,000 or more shall pass under a suspension of the rules, except upon the call of the yeas and nays upon the passage of such bill.

Mr. Chairman, it was objected the other day that if an amendment which was offered by me at that time proposed substantially what is now sought to be obtained should pass, the House might not on some occasion have time to get through with its business. I desire to say, sir, that any measure that ought to pass this House ought to be considered, and if we have not time to consider it fairly, then we ought not to be allowed time to pass it. I think one of the greatest evils which has attended our legislation has resulted from the passage of bills involving millions of money, passed through this House under a suspension of the rules, when there was no time to consider, no time to amend, and when the yeas and nays were not allowed to be called. The gentleman from Alabama will have an opportunity, if this amendment passes, of having it known to the country who it is who votes "ay" and who it is who votes "nay" on any bill involving the appropriation of money to the amount of $5,000 or more.

It is not objectionable on the score of economy of time, inasmuch as small bills involving the appropriation for pensions and the like, less than $5,000, may still pass under a suspension of the rules; but wherever the amount exceeds $5,000 cannot, if this amendment is adopted, and in my judgment ought not pass.

Mr. HAWLEY. I suggest to the gentleman that perhaps his object is already attained if he will reflect the Constitution of the United States beyond and above our rules secures to one-fifth of the members present the right to have the yeas and nays called on any question. If this House cannot be trusted with that it cannot be trusted at all. If a bill goes through here without men enough to call the yeas and nays the supposition is it is a matter of great general necessity and propriety. One-fifth can always have the yeas and nays called.

The amendment to the amendment of Mr. DAVIS, of North Carolina, was rejected.

The question recurred on Mr. SCALES's amendment.

The committee divided; and there were—ayes 18, noes 52.

So the amendment was rejected.

Mr. TUCKER. I move the following amendment, to come in after clause 3 of the proposition of the gentleman from Maine.

The Clerk read as follows:

And the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

Mr. TUCKER. The object of the amendment is to follow to its logical result the proposition of the gentleman from Maine that where a motion is made to suspend the rules in order to pass any proposition there shall be debate allowed of fifteen minutes to each side for explanation.

So when the previous question is called on any proposition before the House upon which there has been no previous debate, the same amount of time for explanation of a measure should be allowed.

Mr. WARNER. I suggest that the time of each member should not be limited.

Mr. TUCKER. I believe the same rule adopted in reference to the suspension of the rules should be adopted on my amendment.

The CHAIRMAN. The time is divided between the opponents and advocates of the measure.

Mr. RANDALL, (the Speaker.) If I understand the object of the gentleman it is to reach a case of this sort: where the previous question has been demanded on a proposition and no debate has been had upon it, then there shall be, on the demand of any member, fifteen minutes allowed for and fifteen minutes against.

Mr. HASKELL. I only wish to say a word. I do not wish to antagonize the amendment if it is a wise one; but I suggest that we pass many and many a bill by unanimous consent where nobody cares to have any debate. We put through a dozen or fifteen in an afternoon, and if on every one of these little simple measures like pension bills or bills for increase of pension we allow anybody in the House to get up and exhaust fifteen minutes of time for and fifteen minutes of time against, I say there will be members in this House who will be willing to do it. The proposition which the gentleman contemplates is perfectly harmless might be so in case of half a dozen bills, and yet it would be exceedingly cumbersome when applied to twenty in a single afternoon.

Mr. TUCKER. I will say to my friend from Kansas that nobody need indulge in debate if he does not want to. This provides only there shall be the right on the part of the opponents of a measure to fifteen minutes of explanation, and to its advocates of fifteen minutes of reply.

Mr. HASKELL. The gentleman cannot submit a bill for passage in this House, however simple it may be, that there will not be enough of men in the House who will wish to say a word upon it. If it be a resolution like that of my friend from Iowa, [Mr. WEAVER,] of course there will be debate. There will be enough members here who will be sure to take advantage of the opportunity to debate. So under this amendment gentlemen will find that every single bill offered will take thirty minutes of time to pass it.

Mr. TUCKER. That is the reason I think the amendment should be adopted. I believe in free debate, and I do not believe in a practice which has prevailed in this House ever since I have been here and under which I have suffered with other gentlemen. I do not believe in forcing a vote on a measure without the liberty to every man, if he wants to say a word in opposition or advocacy of it, to be heard.

The amendment was agreed to.

Mr. HAWLEY. I move the following as an additional clause.

The Clerk read as follows:

4. No motion to suspend the rules and pass a bill shall be entertained unless the bill shall have been referred to a committee, reported therefrom, printed, and distributed to the members at least one legislative day before the motion for suspension is made.

Mr. HAWLEY. Individually, I am in favor of the whole of it, but I am less strenuous as to that part which requires a reference to and report from a committee, though I would not strike it out. But as to the other, I am earnestly in favor of it. I think it wrong and dangerous to permit manuscript bills to come in here without any notice whatever, and to go through under a suspension of the rules without having the bill before us for examination. This amendment requires the shortest possible time—a single day's notice.

Mr. VALENTINE. I would like to ask the gentleman from Connecticut a question. If that amendment had been in force yesterday, how would it have affected the substitute which passed here?

Mr. HAWLEY. I will answer the gentleman; I would just as lief answer it as not. We should have had to wait another day. That would not have killed anybody, But we did not pass that bill under a suspension of the rules; it was simply a substitute for a pending bill.

Mr. FRYE. I would like to have that amendment read again.

The amendment was again read.

Mr. VALENTINE. I move to strike out the words "reported therefrom."

Mr. FRYE. The gentleman means to apply that to the last six days of the session as well as to Monday.

Mr. HAWLEY. It makes no exception.

The question recurred on Mr. VALENTINE'S amendment to the amendment.

The committee divided; and there were—ayes 17, noes 7.

So the amendment to the amendment was agreed to.

Mr. SAPP. I suggest an amendment to the amendment by inserting the word "public" to bill, so that it will not apply to private bills, which cannot be printed until reported from the committee.

The committee divided; and there were—ayes 26, noes 21.

So the amendment to the amendment was agreed to.

The question then recurred on the amendment of Mr. HAWLEY as amended.

The committee divided; and there were—ayes 46, noes 20.

So the amendment, as amended, was agreed to.

Mr. HOUSE. I offer the following as an independent rule, to come in after the rule which has just been adopted.

The Clerk read as follows:

When a bill, resolution, or proposition of a public character has been referred to a standing or select committee of the House, and the committee shall fail for fifty days to make any report to the House thereon, it shall be in order on any Monday immediately after the expiration of the morning hour to move to discharge a committee from the further consideration of the same, which motion shall then be considered; and if decided in the affirmative, the bill, resolution, or proposition shall be placed on the proper calendar unless the majority of the House shall determine then to consider the same.

Mr. HOUSE. The proposition embodied in the rule I have just proposed is similar to the one offered a few days ago by the gentleman from Kentucky, [Mr. OSCAR TURNER.] I think, Mr. Chairman, under the present rules of the House the committees of this House have a power that they should not have in a representative government. A committee of this House, under the rules as they stand, can defeat the consideration of any measure, although a majority of the House and a majority of the American people may be in favor of that measure. They can defeat it by refusing to report upon it. Why, we heard but the other day from the chairman of the Committee on Commerce that a measure before that committee of great importance to the entire country, a measure which I believe would receive a large majority of the votes of this House—we were informed, I say, by him that he was denied the privilege in that committee of making even an adverse report upon it to the House.

Now, sir, I wish to know if the representatives of the people here intend to perpetuate a rule which prevents them from acting upon the wishes of a majority of the House. Ought any committee of this House to have that power? Ought any committee to be able to deprive the entire members of this House of their right to act upon any proposition? Suppose the people of this country want a measure passed and a majority of their Representatives here are willing to vote upon it: Now under such circumstances should a committee of this House have the right or the power to withhold from them that privilege?

It think not, Mr. Chairman. I do not believe that any gentleman here is prepared to surrender his right as a Representative in that way. We all know that measures of vast importance are frequently intrusted to these committees, and that week after week and month after month goes on and no report comes from them, perhaps none during the entire Congress.

Now, I propose that every measure shall be given a fair opportunity before this House, so that the members can express their views upon it at least by their votes. There can be no inconvenience or evil resulting from the adoption of this rule. When a motion is made to discharge a committee from the further consideration of a measure on which they have failed for fifty days to report, if the House votes down the motion, well and good. This only gives them that privilege. But if a majority of the House want to consider the measure, notwithstanding the failure of the committee to report it, they ought to have the power, and no man who represents the people here ought to put himself down as opposed to such a proposition.

Sir, it ought to pass, and I hope it will pass.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee, [Mr. HOUSE.]

Mr. WRIGHT. I move to amend the amendment by striking out "fifty days" and inserting "thirty days."

The CHAIRMAN. That would not be in order, the committee having already rejected a proposition embracing the thirty days.

Mr. WRIGHT. I move to strike out "fifty" and insert "forty." I offer the amendment upon this principle, that that is time enough for the consideration of any subject that may be brought before any committee of this House. During my long service in the Congress of the United States I have seen, in my judgment, more wrong arising from sending measures to a committee and smothering them there than from any other thing connected with legislation. I know at the present Congress, when measures have been sent to a committee, the threat has been made that those measures would never again come out of the committee.

I think, sir, that a majority of the members of this House ought to have the control of any subject of legislation which is brought before the House. They ought not to refer a measure to an inferior number than the members who compose the House and give that inferior number the power to conceal the measure. It is sent to a committee for the purpose of being considered; and why is it necessary that there should be more than thirty days for the consideration by a committee of any subject that may be sent to it?

I hope, therefore, the amendment I have offered will be adopted. If the Committee of the Whole will not agree to that I will vote then for the proposition offered by my friend from Tennessee. I am willing to take a fixed time. I will take forty days. I will take fifty days. If we cannot fix upon fifty I will take sixty days. But let us fix upon a time when a matter sent to a committee shall come out of that committee. Let it not be a place to bury up matters. A measure is sent to a committee to be investigated and examined, not suppressed. It surely ought not to be the object and purpose of a committee of any legislative body to regard itself as an instrument for suppressing measures of legislation instead of acting upon them.

Mr. RANDALL, (the Speaker.) A general provision of this sort, if made, would be impracticable of execution. If the gentleman from Tennessee wants to get any particular description of legislation out from a committee let him include in this proposition revenue measures, for example, or finance measures. But let us not make a general provision that when a committee has had possession for thirty or fifty days of a bill it shall come out of that committee. Take, for instance, the Judiciary Committee. This proposition if adopted might bring every bill out of that committee. I know exactly what the gentleman wants to reach. He wants to reach revenue measures relating to the tariff, and finance measures relating to the currency of the country; and if he would confine his proposition to those two subjects then it would be less objectionable than making it a general

coop to include every description of legislation. I agree, however, in the general principle the gentleman suggests, that measures of legislation should have a hearing in the House.

Mr. TOWNSHEND, of Illinois. I do not want to open the way to throw this House into confusion, or to do anything that would result in any unwise legislation. My one object is to procure a consideration by the House of wise and meritorious measures.

The bill referred to by the gentleman from Tennessee, [Mr. HOUSE,] the bill in regard to interstate commerce, is one, in my judgment, of more merit than any which has been submitted to the Forty-sixth Congress. And I believe to-day, if it could be submitted to the popular vote in this country, it would receive a larger majority than any measure which has been brought into this Congress. I am satisfied further, Mr. Chairman, that notwithstanding a majority of the Committee on Commerce has obstructed the will and has seriously injured the interest of the vast majority of the people of this country—I am well satisfied a large majority of the members of this House are in favor of a measure of that nature.

What has been the result? Because that committee has a majority hostile to that measure we are deprived of the opportunity and the people are deprived of the privilege of being heard upon it. What I want to do is to get some sort of rule adopted by which we can put aside the majority of that committee and allow the majority of this House to have something to do with regard to the legislation of the country. That is my object.

Now one word further. We do not propose here to send to the public Calendar all measures that have been introduced and referred to committees. We propose to give ample time to the committees to consider the measures coming before them. But if the committees will not consider those measures after fair and full opportunity we then want the opportunity for a majority of the members of this House to consider them. Gentlemen who oppose this amendment argue, it seems to me, that a majority of a committee are wiser than a majority of this House. I have more faith in the judgment of the majority of this House than I have in the judgment of a majority of any committee composed by it. And for that reason I simply desire to have the way opened by which we can obtain the opinion of this House upon important measures. We do not propose to bring these bills back without having the will of the House expressed. The amendment, as I understand, contemplates that after the expiration of fifty days the question shall be submitted to the House as to whether the bill shall go upon the public Calendar or not. And I would rather trust—I say in conclusion, as I see the hammer in the Chairman's hand about to fall—I would rather trust the collective wisdom of the majority of this House than I would the collective wisdom of any committee of this House.

[Here the hammer fell.]

Mr. HASKELL. I do not oppose the object stated by the friends of this measure at all. It ought to be in the power of this House to take from an unwilling committee a valuable bill. There is no doubt about that. It ought to be in the power of this House to take from a committee a bill that a few men upon that committee may desire to throttle, but which the great majority of this House may desire to pass.

But the amendment which has been proposed will reach infinitely further than the very wise and discreet purpose of the supporters of that amendment. Suppose that you give twenty days' or forty days' time for a committee to consider a bill. A committee cannot perfect any important bill that comes before this House in twenty days. Many of the bills will not be perfected by committees in forty days.

And what then will be the result? Suppose that a bill has been introduced into the House and sent to a committee. Toward the end of a session, not long before the final adjournment, when an uneasy and feverish minority happen to be in this House, perhaps a bare quorum of members present, that minority of the House will insist upon taking that bill out of the hands of the committee, although the committee may be willing to report it as soon as it can prepare it properly for reporting. Yet under this proposed rule that bill may be taken from the committee and dragged before the House in a half-baked condition. I take it that the disadvantages which would arise under the practical operation of such a rule will more than offset any advantage which gentlemen seek to gain by it.

Again, this proposed rule will open the door to a flood of subsidiary questions. Every uneasy man in this House, who feels that his bill is not being considered by a committee, every man who fancies that he has a grievance against a committee, will come before the House and make a motion to discharge that committee. Some of the members of the committee will oppose it and some will favor it. Toward the close of the session you will in that way occupy half of the time of the House upon these propositions to discharge committees.

The tendency of a majority of the amendments offered here this afternoon is to multiply subsidiary propositions, to multiply opportunities for debate, to multiply opportunities for speeches, without any real practical gain of time for the consideration of business. That I think will be the effect of this amendment.

Mr. YOUNG, of Tennessee. Mr. Chairman, in my judgment this is the most important amendment offered to the report of the Committee on Rules during the entire time that report has been under discussion and I do not think it should be lightly or hurriedly disposed of. It is designed to remedy an evil of long existence, and which, it seems, can be reached in no other way. The proposed amendment may, like all other rules of a general character, be open to some objection, and I am willing to concede that it is. The strongest objection which has or, I think, can be offered has just been presented by the gentleman from Kansas, [Mr. HASKELL;] but even this can, I think, be easily answered.

Admit it to be true, as he claims, that bills frequently go before committees which cannot be examined and reported upon advisedly within thirty, or even sixty days; yet, if the committee having any such bill in charge were to state to the House that they had not had sufficient time to report upon it, there can be no question that more would be cheerfully granted; and if any such bill should be placed upon the Calendar under the operation of the proposed amendment, and the committee from which it was taken should signify a desire for further time in which to consider and make a report upon it, a motion to recommit would scarcely fail to take it from the Calendar and send it back to the committee. So there need be no apprehension that any very objectionable bill could be passed into a law over the opposition of a committee that had had it in charge. Only such measures as would commend themselves to the judgment of the House and the popular approval of the country would be at all likely to pass under such circumstances.

To my mind, there are reasons why this amendment should be adopted which very far outweigh any and all objections which have or can be urged against it. Some of them have been very strongly and forcibly presented by my colleague, [Mr. HOUSE.] He has just given us a most suggestive illustration of the evil it is intended to remove, in the statement he has just made, and which was previously known to the House, that on a very recent occasion the distinguished chairman of the Committee on Commerce declared himself unable to report either favorably or adversely the most important measure that has, in my judgment, been offered to the House during the present session; a measure that would undoubtedly pass by a most decided majority, and for the enactment of which the whole country has been clamoring for years. If a measure thus approved by the members of this House and thus demanded by every expression of the popular will which has reached us, can be defeated by a majority of a single committee, and that, too, over the constant and vigorous efforts of an able and fearless chairman to have it acted upon, it can easily be seen what may be the fate of other measures equally meritorious. Everybody here knows that an overwhelming majority of the people of this country desire the passage of the bill to which I refer, and yet in contempt and defiance of the clearly expressed popular will it has been defeated thus far by the action of a single committee and the House deprived of all opportunity to vote or even to be heard in its advocacy.

This is not the only instance in which a like action has been had and the will of the people and that of a majority of their Representatives on this floor been disregarded and set at defiance. The bill to remove the duty upon quinine slumbered in a committee for months, though there was a constant demand for its passage, and it would most likely have been there yet had not the gentleman from Kentucky [Mr. MCKENZIE] had the address to get it before the House and secure its passage by a two-thirds vote, under a suspension of the rules.

During my service in Congress I have seen more than a score of bills urgently demanded, as I thought, by the public interest strangled in committees without giving the House an opportunity to act upon them, so that practically the whole legislation of the country has been placed in the hands of a very few members of this body, and the remainder of them had almost as well have been at home as to be here without the power of acting upon measures which they deemed important to the public interest. Every member of this House who has been here any length of time has learned something of the agencies and appliances which have been and can be brought to bear for the purpose of influencing public legislation. If these agencies and influences are ever of an improper character they can much more easily be brought to bear upon a few than a large number of members. The lobbyist can reach a committee with less difficulty than they can the entire House. So to avoid vicious legislation that may by any possibility be secured by improper agencies, it would be safer to vest the legislative power of the country in as great a number of hands as possible, in order to increase and magnify the obstacles which these agencies would have to encounter.

The tendency of our legislation is growing more and more toward centralism and the concentration of power in the hands of the few to the exclusion of the many, and that feature is as objectionable in the rules governing this House as it is elsewhere. Legislation in a government like ours should represent the popular will, and anything which defeats that object is subversive of the highest legislative aim and duty. I warn gentlemen from two of the great sections of this country, the South and the West, that they are sacrificing the highest interest of their constituents if they defeat this amendment, for they are placing themselves completely in the power of those whose interests are antagonistic to theirs, and the time will soon come when they will be compelled for self-protection to demand the adoption of some such rule as this. A bill was introduced only yesterday by the gentleman from Illinois [Mr. MORRISON] to remodel in some measure our tariff schedule, and I desire to inform him that under existing rules and the present organization of this House he will be hoary with age before that bill ever leaves the committee to

which it was referred . I think, sir, that the most pernicious legislation of past years has found its way upon the statute-books by the faulty construction of our system of rules as they have heretofore existed, while measures of the highest importance and greatest public interest have been defeated by the same machinery, and I feel confident that the people will soon compel us to change it.

The question being taken on the amendment of Mr. WRIGHT to amend the amendment of Mr. HOUSE by striking out "fifty" and inserting "forty," it was not agreed to.

Mr. WARNER. Mr. Chairman, I move to strike out the last word. [Cries of "Vote!" "Vote!"] If I did not believe that an important principle was involved in this amendment I should not detain the committee a single moment. The whole question is, shall this House retain control over the businesss brought before it, or turn it over to its several committees with plenary power to determine what shall be done with it?

When we refer to the several committees matters that are introduced here, I do not understand that it is for final disposition; it certainly ought not to be. Measures are sent by the House to the committees for consideration, investigation, and report. Committees are to weigh, digest, and formulate, but ought not to have power to finally determine anything—certainly not to say a measure shall not have consideration in the House because a majority of the committee may be against it, while a majority in the House may be for it. I do not want to surrender to committees that power. I do not want to put it out of the power of the House to take up an important measure because a committee has decided not to report it back. That act of a committee ought not to preclude after-consideration in the House, provided a majority of the House, after a sufficient time has been given to the committee for action, decide to bring up the subject for review and final determination in the House. The action of a committee ought not to bar this House from the consideration of any question which a majority desire to consider. An important principle seems to me to be involved here. In making rules for the House, I do not see how we can consistently vote to give to committees the power to decide finally measures which the whole House only ought to decide. I hope, therefore, the amendment of the gentleman from Tennessee will be adopted. [Cries of "Vote!" "Vote!"]

Mr. HENDERSON. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Tennessee, [Mr. HOUSE.] I want, however, to reply to a remark which the gentleman made in advocating his amendment, and which, in my judgment, is calculated to do great injustice to the Committee on Commerce. It was stated by him as a reason why such a rule as this ought to be adopted, that the Committee on Commerce—perhaps he did not name the committee, but that was undoubtedly his meaning—had the other day refused to allow the chairman of that committee to make an adverse report to the House.

Mr. HOUSE. I understood the chairman of the Committee on Commerce to so state on the floor.

Mr. HENDERSON. I do not object to his statement. I desire to say that if it is stated here or elsewhere that the majority of the Committee on Commerce have acted in any improper manner in regard to the bill referred to, or any other, I deny the imputation. I voted myself with the chairman of the committee to report his bill to the House; but when the majority of the committee voted against reporting it the question before the committee was not disposed of and the committee was certainly not prepared to make any report at that time, and no report whatever should have been made at that time upon the subject. In the first place there were several bills upon the same subject before the committee, and when the vote was taken upon one bill and the result was unfavorable it did not dispose of the other bills before the committee. It was but just and right that the committee should take action upon the several bills before any report should be made to the House.

I do not think the chairman of the Committee on Commerce has ever intended to charge any wrong upon the majority of the committee who voted against him at that time. If so, I regret it; for certainly the action of the committee was in no manner improper, and was such that it can be defended here on the floor of this House or elsewhere.

[Here the hammer fell.]

Mr. FERNANDO WOOD rose.

The CHAIRMAN. Debate is exhausted.

Mr. WARNER. I withdraw my *pro forma* amendment.

Mr. FERNANDO WOOD. I renew the amendment of the gentleman from Ohio. Mr. Chairman, if I understand the purport and object of this amendment, it proposes to enable a majority of this House to discharge any committee from the further consideration of any bill after that bill has been before the committee for fifty days, and to bring the measure before the House for reference to the appropriate calendar, or for immediate passage. I have no doubt, Mr. Chairman, that the mover of this amendment and the gentlemen who favor it are actuated by a sincere desire to facilitate legislation, but I very much apprehend that if the amendment be adopted and the attempt be made to put it into practical execution, gentlemen will discover, when too late, that they have made a very serious mistake.

The chief defect in the proposition lies in its failure to make any distinction as to the character of measures referred to the various committees. There are committees of this House that may be in constant session for five or six days in a week; and to such a committee may be referred a measure so important that it would be utterly impossible to do justice to it and present it to the House in proper and intelligible form within the time limited. Take, for instance, the Committee of Ways and Means, which has been in almost constant session from the 1st of December last, but has been unable to consider one-third of the bills referred to it by the House.

Mr. TOWNSHEND, of Illinois. Will the gentleman yield for a question?

Mr. FERNANDO WOOD. Certainly.

Mr. TOWNSHEND, of Illinois. In view of the statement of the gentleman, might it not be well to relieve the Committee of Ways and Means by dividing among several committees the work which now falls upon the Committee of Ways and Means alone?

Mr. FERNANDO WOOD. I am coming to that. The gentleman makes a very pertinent inquiry. The House refers to the Committee of Ways and Means measures which should go to other committees. One-third of the bills before us are private claims, so that every member of the committee is charged with considering, investigating, and reporting upon private claims, many of them involving important principles, which require a great deal of study and care for their proper disposition.

When these bills are before us we have either to ask the House to discharge us from further consideration of them or to report upon them at once. We have the funding bill, we have the tariff question, we have very many important measures involving great detail, and we have patiently and laboriously to the best of our ability given all our time and all our energies to the consideration and elucidation of those questions. Now for the House to step in and in the midst of our consideration—and the same may be said of the Committee on the Judiciary or the Committee on Appropriations or the Committee on Commerce or any one of the other leading committees of the House—for the House, I say, to step in in the midst of our deliberation on those bills, when members have given the greatest care and attention for the purpose of understanding them, to take them from them and bring them before the House without discussion, without deliberation, without that proper investigation which all subjects ought to require, to take them, bring them before the House and act on them or send them to the "tomb of the Capulets" where they never can be heard of, is certainly not what this House intends to do. Under these circumstances, therefore, I hope the House will pause before it takes any such step as we propose by the adoption of the amendment moved by the gentleman from Tennessee.

Mr. MCMAHON. Mr. Chairman, the country and the House cannot regret this discussion. All the time we spend on this point is well spent, for I concur in the motive which suggested the amendment of the gentleman from Tennessee, although I do not agree in the amendment itself. I hope this House will be impressed with the idea that to conceal or suppress a public measure simply and purely because a committee is not favorable to it will be regarded by every member of this House and every member of any future House as a crime against the House and the country itself.

But while we may bring the House to that judgment, the question occurs whether we are in a condition to adopt the rule the gentleman suggests, and I think if looked at from a practical stand-point it cannot be done. Why? The fundamental objection to all our legislation is this: The Congress of the United States continues in session for two years, and one is a long session and the other a short session. The result of that is necessarily in every Congress we begin legislation, but, like Sisyphus of old, when we have almost rolled the stone to the top of the hill the session comes to an end and it goes over to the next session, and, like Sisyphus, we have to begin the work again of rolling the stone up the hill, and so on. Until we can have a term of Congress for three years, to extend over three years, the Senate going out in six years and the House in three, having three long sessions, if it be desirable the Congress of the United States shall legislate, we can then legislate, but never can legislate before.

What have we to do? We have to apply the doctrine which holds in natural history, the doctrine of the survival of the fittest, and the fittest must come to the front and it cannot be helped. Who is to determine? Who had better determine? We are always supposed to be honest and upright men, to have no jobs—it is not a violent supposition although it may fail in particular cases—and that when these things go into committee they are considered, taken up, those of the greatest public importance first, and those of the least left to be taken up afterward. What is the result? Take the Judiciary Committee, of which I was a member in the last House. I can give you one public measure which cannot be considered by that committee in less than six months' time. There is before that committee now the question of the Geneva award, and I say they cannot in less than six months give it the consideration it ought to have. I do not say that is the most important bill before that committee, but suppose it was the most important. If that committee was considering that for fifty days, what is the result? When brought before the House it does not go to the head of the Calendar. The fifty days having expired, it comes into the House. In the mean time, unimportant measures, more for individual interest than for their constituents at large, have been brought into the House and put on the Calendar, and all that business precedes it and has first to be disposed of.

Mr. YOUNG, of Tennessee. I want to ask my friend from Ohio

whether he does not believe if the Committee on the Judiciary, for instance, were to come into the House after a bill had been considered, brought before the House and put on the Calendar, and ask to have that bill recommitted, this House would not in every instance grant the request of that committee. If the bill were of any importance could it pass the House over the opposition of the committee which had been considering it?

Mr. McMAHON. How is the Judiciary Committee to get the floor to move that a certain bill on the Calendar shall be recommitted?

Mr. TOWNSHEND, of Illinois. The Committee on the Judiciary has the privilege to report at any time.

Mr. McMAHON. Not at all; I beg your pardon. Oh, no; you must consider in regard to these rules which have been changed in the House of Representatives, have been adopted because this is a great and cumbrous body. You must adopt that rule which enables you to put before the country that which the committees of the House think most important; and yet I do not want my friend from Tennessee to understand for one moment I consider a committee of this House should have the power, at any time, simply because it does not favor a bill to suppress it. I think that is a crime against the House of Representatives. I am in favor of fair and due consideration, but I do not wish to see bills come before the House unless they have been considered by a committee and favorably reported.

Mr. HOUSE. In the eighth line of the amendment after the word "considered" I move to insert "without debate;" and I wish simply to say a word in addition to what I have already said on this subject. I have heard no objection urged against this measure by any gentleman who has spoken upon the question. I have heard nothing excepting what I may term the fancies of gentlemen.

In reply to the gentleman from Ohio and the objection which he has made to it, when he says that the Geneva award bill would occupy the committee more than fifty days for its consideration, I would simply say that is a question which no gentleman would be likely to make the motion to take from the committee—the motion that is required to be made by the amendment which I have suggested. And if any gentleman was to make the motion to discharge the committee from the consideration of such a measure as that, how many votes would he get here?

A MEMBER. Not a majority.

Mr. HOUSE. He could not get anybody.

Mr. ATKINS. Will my colleague allow me to ask him a question?

Mr. HOUSE. Certainly.

Mr. ATKINS. I wish to ask my colleague if he does not think the object which he has in view would be defeated by not applying his amendment exclusively to bills of a public character? It would be necessary to get rid of a great many unimportant bills which might be upon the Calendar before the important bills could be reached, and if my colleague would confine his rule to the great important questions that he refers to, for instance revenue matters, finance matters, and internal improvement matters, then perhaps he could effect the reform which he seeks, but by applying it to all public matters indiscriminately I think he defeats his object.

Mr. BLACKBURN. Now, unlike the gentleman from Ohio who has just addressed the committee, I do deprecate this discussion. I think I am in sympathy with a fair majority of this House when I enter a protest against consuming this whole day in passing over less than six lines of this report. I think the majority of this House is in full sympathy and accord with me when I enter a protest against consuming two months in the consideration of this report of the Committee on Rules.

Mr. ATKINS. I desire to say to the gentleman that this is the first minute of time that I have occupied during this discussion.

Mr. BLACKBURN. I do not apply my criticism to the gentleman from Tennessee at all; but I merely desire to say that unless we can have unanimous consent for immediate action upon the pending rule I shall move that the committee rise for the purpose of limiting debate to one minute.

The question recurred upon the amendment of Mr. HOUSE.

The House divided; and there was—ayes 61, noes 75.

Mr. HOUSE demanded tellers.

Tellers were ordered; and Mr. HOUSE and Mr. BROWNE were appointed.

The House again divided; and the tellers reported—ayes 65, noes 94.

So the amendment was rejected.

The Clerk proceeded to read Rule XXIX.

Mr. THOMAS TURNER. Mr. Chairman, I desire to offer the following amendment, which is in substance the same as that which was offered by the gentleman from Tennessee which has just been disagreed to, with the exception that it refers exclusively to measures affecting commerce, revenue, finances, and internal improvements.

The CHAIRMAN. The committee has already passed from the consideration of the rule to which the gentleman now refers.

Mr. THOMAS TURNER. I attempted to get the floor for the purpose of offering this amendment, but the Clerk commenced to read the next rule. I tried to get the eye of the Chair for the purpose of offering this amendment.

The CHAIRMAN. Of course, if the gentleman states that he rose for that purpose the Chair will now recognize him. The Clerk will read the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

When a bill or proposition of a public nature affecting commerce, revenue, finance, or internal improvements has been referred to a standing committee of the, House, and such committee shall fail for fifty days to make any report to the House thereon, it shall be in order on any Monday immediately after the expiration of the morning hour, to move to discharge the committee from the further consideration of the same; which motion shall then be considered without debate, and, if decided in the affirmative, the bill or resolution shall be placed on the proper calendar, unless a majority of the House shall then determine to consider the same.

The amendment was not agreed to.

The Clerk read as follows:

RULE XXIX.

CONFERENCE REPORTS.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.

Mr. WILLIAMS, of Wisconsin. I offer the following as an amendment to the rule which has just been read.

The Clerk read as follows:

And such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House from the reading of the report what effect such amendments or propositions will have upon the measures to which they relate.

So that, if adopted, the rule will read as follows:

"The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition; and such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House from the reading of the report what effect such amendments or propositions will have upon the measures to which they relate."

Mr. BLACKBURN. Let me suggest to the gentleman from Wisconsin, speaking for myself, and I doubt not the Committee on Rules, that there is no objection to the proposed amendment except in this: it must of necessity be effected by incorporation into the joint rules of the two Houses. This House has no power by any action which it may propose to bind the conferees on the part of the Senate; so that, to accomplish the purpose which the gentleman's amendment seeks to reach, there must be a provision made in the joint rules between the two Houses that will bind the conferees of both. Of course the same conference report made to this House must be made to the Senate, and we cannot bind the Senate through its conferees to anything unless we do it by a general rule. I am in favor of the gentleman's proposition.

Mr. RANDALL, (the Speaker.) There is force in what the gentleman from Kentucky [Mr. BLACKBURN] states, that this ought to be provided for by a joint rule. But joint rules are not likely to be agreed upon. For myself I maintain, and always have maintained, they are still in force until the same power which made the joint rules should vacate them. But the Senate chooses not to subscribe to that view. This proposition in itself has great merit. There ought to be no conference report brought into this House for its consideration unless the House by the reading of it is thoroughly informed as to its effect upon the bill proposed to be passed. I myself would prefer to have the proposition go into these rules, even although it only went there with the force of a recommendation to our conferees on the part of the House, so that this provision shall be in the future binding, at least in a suggestive way, upon our conferees.

Mr. WILLIAMS, of Wisconsin. I am obliged to the honorable Speaker for making the very suggestion which I had risen a moment ago to make, namely, that this is a preliminary step, in which I have no doubt the House will be followed in its action by the Senate.

Mr. BLACKBURN. Will the gentleman from Wisconsin allow me to suggest an amendment which has been suggested to me by the remarks of the gentleman from Pennsylvania? A conference report must be a report of the two Houses, and must be identical in word and line and syllable. But if the gentleman by his amendment will simply require that the members of the conference on the part of the House shall append that statement to their conference report, I will support it.

Mr. WILLIAMS, of Wisconsin. I very gladly accept the suggestion of the gentleman from Kentucky.

The CHAIRMAN. What is the modification of the amendment suggested by the gentleman from Kentucky?

Mr. BLACKBURN. It is that the amendment be altered so as simply to require the House members of a committee of conference to append to their conference report a statement of the points covered by the numbers of the amendments which the conference report embraces.

Mr. CANNON, of Illinois. I hope it will not be said, "append to their report," but that the statement will be included in the report to the House. Then the House conferees, in obedience to the House rule, would not consent to a report until the information the rule requires is embodied in the regular conference report, the duplicates respectively for the House and for the Senate being the same.

Mr. BLACKBURN. We cannot coerce the Senate by a rule of thi House.

Mr. CANNON, of Illinois. I am speaking of what would be the practical working of such a rule.

Mr. BLACKBURN. A conference report means the report of th

conference committee of the two Houses. The reports to the two Houses must be duplicates, the one of the other. There cannot be a syllable in the conference report made to this House that is not embraced in the report made to the Senate. We cannot compel the Senate to do what is here suggested; but I pledge myself I will use my best endeavor as a member of the Committee on Rules and of the Joint Committee on Rules to have this incorporated into a joint rule to govern the two Houses. While assenting to the idea of the gentleman from Wisconsin, I am in favor of so modifying his amendment as to require the House members of the committee of conference to furnish with each conference report an explanation, by a statement in detail of the points in controversy covered by such report.

Mr. KEIFER. I think it well we should understand this question. I am not entirely satisfied with the suggestion of the gentleman from Kentucky. I would be afraid that the House members of the committee of conference would undertake to report something in addition to the conference report, understanding they were required to do this by the new rule. That would be a very great anomaly.

The terms of the amendment offered by the gentleman from Wisconsin, as I understood by the reading, do not require the committee of conference to report *verbatim* the amendments to which their report refers, but requires them merely to state the substance, the effect, of what is proposed to be done by and through the conference report. Now, it is suggested by the gentleman from Kentucky that by adopting such a rule we would appear to be compelling or coercing the conferees on the part of the Senate. To a certain extent that is true. But I would like to inquire how it happens this very vicious system has grown up at the conference meetings between the two Houses; how the system has grown up of drawing conference reports in the way in which we have been in the habit of having them presented in the past.

I remember that we have had some of the most important things done here in the last two years by conference reports. The whole matter of post-office legislation was put into a report here on one occasion and passed in the Forty-fifth Congress, leaving out a great many things that had been passed upon and adopted in this House in committee. And that was passed through the House without half a dozen members outside of the committee of conference knowing what was in the report at all. There were merely certain numbers referred to.

Now I want to state, as there seems to be a great deal of unanimity about this, there can be no danger of adopting an amendment which would at least operate as a suggestion to the Senate. And they have no more right to say to us, "We shall have our conference reports drawn up merely by members as to the matters to be amended," than we have to insist that the substance of the report shall be stated.

Mr. HAYES. In view of what the gentleman from Kentucky [Mr. BLACKBURN] has said, that the two reports to the two Houses must be identical, I would ask the gentleman from Ohio, would this rule, if adopted, have any binding force on the joint committee of conference?

Mr. KEIFER. I understand the reports must be identical, and that is the reason why I do not want to modify this rule so as to require the House members of the committee to state something in addition to the report.

Mr. HAYES. The House members of the committee of conference could not live up to this rule in case it should be adopted.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. BLACKBURN. I will say to the gentleman that I do not see anything inexplicable or difficult of comprehension in the suggestion I have made. Does not the gentleman know as well as he may know anything, that there is under general parliamentary law no power given to a committee of conference to inject anything into a conference report that is not already in dispute between the two Houses?

Mr. KEIFER. Let me answer the question by asking the gentleman if he does not know that in a conference report made to a former Congress a whole body of legislation, amounting to a long bill, amounting to pages of print, as it appeared afterward, in reference to postal matters, was introduced into a conference report, because there was a little dispute about some post-office matter? Does not the gentleman know that the whole matter of postage on different classes of mail matter was reorganized in a conference report, although up to that time we had not heard anything of it?

Mr. BLACKBURN. I do not know to what the gentleman refers, unless it be the Brazilian mail feature; if so, that was lost.

Mr. KEIFER. Yes, that was lost; it was adopted in the Senate and lost in the conference; but that is not what I refer to.

Mr. BLACKBURN. I have only this to say: the gentleman from Wisconsin [Mr. WILLIAMS] and myself understand each other. I am in favor of requiring the House members of every conference committee to accompany every conference report with an explanatory statement, showing exactly what points are covered by that report. I am in favor of putting that in the rules of the House, if the gentleman will consent to so modify his amendment.

Mr. WILLIAMS, of Wisconsin. Allow me to make a single suggestion. My amendment goes simply to the matter of form rather than to that of substance. It requires that the conference committee shall use apt and proper words instead of numbers in their report. Now, can there be any doubt in the world that if we adopt a rule requiring the members of our committee of conference to adopt a certain form of report, the members of the conference committee on the part of the Senate will accept it? I am willing to accept any amendment which the gentleman may propose, if it will accomplish the purpose I have in view.

Mr. RANDALL, (the Speaker.) Then accept his modification.

Mr. WILLIAMS, of Wisconsin. I will accept it.

Mr. ATKINS. Allow me one question?

Mr. WILLIAMS, of Wisconsin. Certainly.

Mr. ATKINS. Does the gentleman design by his amendment that this statement or explanation of the various items in the conference report shall constitute a part of the report itself, or that it shall be a statement to simply accompany the report?

Mr. WILLIAMS, of Wisconsin. Simply a statement, independent of the report.

Mr. ATKINS. If it is to be a simple statement to accompany the conference report, I have no objection to it.

Mr. BLACKBURN. That is all.

Mr. DUNNELL. I ask that the amendment be read.

Mr. FRYE. Has the amendment been modified?

Mr. WILLIAMS, of Wisconsin. My design is to accept the modification suggested by the gentleman from Kentucky, [Mr. BLACKBURN,] if he will put it in form.

Mr. BLACKBURN. I will do so in one moment.

Mr. BRIGGS. A single word. It seems to me that this proposition, which commends itself to nearly every member of this House, was in a proper shape when submitted by the gentleman from Wisconsin, [Mr. WILLIAMS.] Let us see what will be the practical operation of it. A conference committee is appointed; that committee agrees upon matters of substance, and they also must agree upon matters of form. If the members of the House on that committee insist upon having the substance of their report fully explained in the report before they will assent to it, then you will have accomplished all that the gentleman desires. And that, I think, is reached by his original amendment.

Mr. BLACKBURN. I will furnish my modification to the Clerk in one moment. [After a pause.] I now send up to the Clerk the modification which I suggest.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Wisconsin [Mr. WILLIAMS] and the modification proposed by the gentleman from Kentucky, [Mr. BLACKBURN.]

The Clerk read the amendment of Mr. WILLIAMS, of Wisconsin, which was to add to Rule XXIX the following:

And such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House from the reading of the report what effect such amendments or propositions will have upon the measures to which they relate.

The amendment of Mr. BLACKBURN was to substitute for the amendment of Mr. WILLIAMS, of Wisconsin, the following:

And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

Mr. WILLIAMS, of Wisconsin. I will accept that in lieu of my amendment.

The question was taken upon the amendment as modified, and it was agreed to.

Mr. HOUSE. I offer as a separate rule that which I send up to the Clerk's desk. I do not want to debate it, and will simply state that it is identical with the proposition which I offered a few moments ago, except that I have modified it so as to relate alone to bills for raising revenue and reducing taxation.

The Clerk read as follows:

When a bill, resolution, or proposition relating to the raising of revenue or the reduction of taxation shall be referred to a standing or select committee of the House, and the committee shall fail for fifty days to make any report thereon, it shall be in order on any Monday, immediately after the expiration of the morning hour, to move to discharge the committee from the further consideration of the same, which motion shall then be considered without debate, and if decided in the affirmative the bill, resolution, or proposition shall be placed on the appropriate calendar, unless a majority of the House shall determine then to consider the same

The question being taken on the amendment of Mr. HOUSE, it was not agreed to; there being—ayes 51, noes 65.

The Clerk read as follows:

RULE XXX.

SECRET SESSION.

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

RULE XXXI.

READING OF PAPERS.

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. BOWMAN. I move to amend by inserting at the end of the rule last read the following:

Reports which have been printed shall not be read unless such reading shall be called for by vote of the House.

[Cries of "Vote!" "Vote!"]

I do not know whether the committee object to this amendment. I am sure I shall be pardoned if by taking a few minutes now I can save days or hours hereafter. It is within my limited observation that if there is any one thing which more than another (not even excepting "filibustering") uselessly consumes the time of this House, it is the reading of reports. We frequently see presented here the spectacle of a clerk going on for half an hour, three-quarters of an hour, or longer, reading voluminous reports while members are immersed in their newspapers or correspondence. No one ever dreams of listening to the reading of a report. A member, if he wants to be informed upon a subject, prefers to take in the substance of the report through his eyes rather than his ears; and he sends a page for the document.

In some of the State Legislatures we never think of having a report read; such a thing is unknown. The reading is utterly useless, or, if necessary in any case, my amendment proposes that it shall be subject to the control of a vote of the House.

Under our present practice when a proposition is made to dispense with the reading of a report a member jumps up and says, "I call for the reading of the report;" then all business must stop and nothing be done until the reading is concluded, not because the House wants to hear the reading, but because one single member demands it and no one cares to bring the question to a vote.

Mr. Chairman, we have been in session three months, and when a member of this House is asked, "What have you done?" he is obliged to pause and cannot give any answer. He cannot tell what business has been accomplished. It does seem to me—and I appeal to the Committee on Rules whether it is not true—that the reading of reports consumes uselessly more time in this House than any other thing.

Mr. RANDALL, (the Speaker.) I disagree with the gentleman from Massachusetts [Mr. BOWMAN] in his view that the reading of reports is of no particular use to the House. It seems to me the best possible way of getting information. While in many cases the great body of the House may not listen to reports, it is within my experience that there are always some members who do listen carefully, and thus are enabled in many instances to decide whether a bill should be passed or not.

Mr. BOWMAN. Let me ask why it is not safe to leave the House to say by vote whether it wants to hear reports or not?

Mr. RANDALL, (the Speaker.) Because every member who is called upon to vote on a measure recommended by a committee ought to have the privilege of knowing the reasons which influenced the committee in reaching the result they recommend.

Mr. BLACKBURN. The Committee on Rules have sought to reserve the right of every member in his individual capacity to demand the reading of any paper upon which he is called upon to give a vote. Apart from this the rules leave the question of the reading of papers to be determined by a vote of the House without debate. Whenever objection is made to the reading of a paper other than one on which a vote is to be taken, the House can determine by a vote of the majority and without debate whether the paper shall be read. I think that the amendment of the gentleman from Massachusetts would be, to say the least, mere surplusage.

The amendment of Mr. BOWMAN was not agreed to.

The Clerk read as follows:

RULE XXXII.

DRAWING OF SEATS.

1. The Clerk shall, at the commencement of each Congress, place in a box the name of each Member and Delegate of the House of Representatives, written upon a separate slip of paper, and, at an hour to be fixed by the House, shall proceed in its presence to draw from said box, one at a time, the said slips of paper, and as each is drawn shall announce the name of the Member or Delegate thereon, who shall thereupon choose his seat for the present Congress.

Mr. BLACKBURN. By the direction of the Committee on Rules I move to amend by striking out before the last word of this paragraph the words "the present" and inserting in lieu thereof the word "that;" so as to read: "for that Congress."

The amendment was agreed to.

Mr. REAGAN. I move to amend by inserting after the word "box," in line 2, clause 1 of Rule XXXII, the following:

Sufficiently large to admit of mixing the names; and after the names shall have been thoroughly mixed, the names of the members shall be put into the box separately, in alphabetical order, and.

I will explain the object of this amendment. If the box used for this purpose is small, as it generally is, and if the names be put in by States, I do not see how they can ever be mixed so as to comply with the spirit of the rule. My amendment proposes that the names be put in alphabetically instead of by States.

Mr. ATKINS. Does the gentleman propose that names beginning with A, B, and C, shall be in the bottom of the box?

Mr. REAGAN. It has been suggested to me to modify my amendment by inserting after the word "members" the word "delegates." I make that modification.

Mr. STEELE. I move to substitute for the first clause of the thirty-second rule what I send to the desk.

The CHAIRMAN. The proposition of the gentleman will be read for information; but the vote must first be taken on the proposed amendment to the text.

The Clerk read as follows:

Strike out clause 1 of Rule XXXII, and insert:

At the commencement of each Congress the Clerk shall place in a box prepared for that purpose a number of small balls of marble or other material equal to the number of Members and Delegates, which balls shall be separately numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for the purpose the Clerk shall, by the hands of a page, draw said balls one by one from the box, and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on the numbered alphabetical list shall conform to the number of the ball shall advance and choose his seat for the term for which he is elected.

Mr. STEELE. Mr. Chairman, I have hitherto forborne engaging in the discussion of the rules to be adopted for the government of the House. My main reason for that perhaps, outside of my modesty, was that it was a subject totally incomprehensible to me, and I have never had any great ambition to figure in the CONGRESSIONAL RECORD upon matters I did not understand. [Laughter.] I do not say anybody else has not done the same. Now, it will be recollected by every member of this House that at the opening of the Forty-sixth Congress, when the names of members were called out to enable them to choose their seats, in one instance the names of five members from the same State were called consecutively, showing conclusively there could not have been a proper intermingling of the slips of paper placed in the box. Indeed, it is thoroughly impracticable to do it. And the only means by which a fair drawing of seats can take place is, according to my opinion, by the operation I have suggested. It is quite as simple, and secures absolute fairness in the selection of seats.

Mr. REAGAN. By consent of the House I will withdraw my amendment.

The CHAIRMAN. The question then recurs on the amendment of the gentleman from North Carolinia as a substitute for the first clause of the rule as reported.

The amendment was adopted.

Mr. BLACKBURN. I give notice that in the House I shall demand the yeas and nays on that amendment moved by the gentleman from North Carolina, [Mr. STEELE.]

The Clerk read as follows:

2. Before said drawing shall commence, each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during the same Congress.

Mr. BLACKBURN. I am instructed by the committee to move a verbal amendment:

In the last line strike out the words "the same" and insert "that;" so it will read: "during that Congress."

The amendment was adopted.

Mr. VALENTINE. There seems a considerable portion of the latter part of the clause just read, since the adoption of the substitute of the gentleman from North Carolina, is wholly unnecessary. I allude to that part about seats becoming vacant where the party leaves them.

Mr. FRYE. Oh, no!

The Clerk read as follows:

RULE XXXIII.

HALL OF THE HOUSE.

The Hall of the House shall be used only for the legislative business of the House, and for the caucus meetings of its members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

Mr. CASWELL. I move to insert after the word "therein," in the fourth line, the following:

And the corridors and lobbies of the Capitol, so far as the House has control of the same, shall not be occupied by lunch-tables or parties offering for sale articles of merchandise other than newspapers and other printed matter usually kept for sale at news-stands.

[Cries of "Vote!"]

Mr. CASWELL. Very well, let there be a vote.

The committee divided; and there were—ayes 55, noes 60.

Mr. CASWELL demanded tellers.

Tellers were ordered; and Mr. MCGOWAN and Mr. BLACKBURN were appointed.

Mr. STEELE. Mr. Chairman, in this obscure corner of the Hall we do not hear anything that takes place at the Clerk's table, and I ask that the amendment be again read.

The CHAIRMAN. The Chair has made every effort to keep order in the Hall, but without effect.

The amendment was again read.

The committee again divided; and the tellers reported—ayes 37, noes 86.

So the amendment was rejected.

The Clerk read as follows:

RULE XXXIV.

OF ADMISSION TO THE FLOOR.

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, namely: The President of the United States

and his private secretary, judges of the Supreme Court, members of Congress and members-elect, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, such persons as have, by name, received the thanks of Congress, ex-members of Congress who are not interested in any claim pending before Congress, and clerks of committees, when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule.

Mr. BLACKBURN. I am not directed by the committee, but I offer the following amendment, which I think will meet the approval of the House.

The Clerk read as follows:

Strike out in line 3 the following words, "of the United States and his private secretary," and insert in lieu thereof "and Vice-President of the United States and their private secretaries."

Mr. BLACKBURN. That admits to the floor of the House the Vice-President of the United States and his private secretary, which is simply a return for the courtesy extended to the private secretary of the presiding officer of this House.

Mr. BREWER. I move a substitute for that.

Mr. BLACKBURN. I hope my amendment will not be encumbered, but will be voted on by itself. There are a number to come in, I see.

Mr. BREWER. I move my substitute.

The CHAIRMAN. The substitute will be read, but will not be voted on until the text has been perfected.

The Clerk read as follows:

Insert after the word "Secretary," in line 3, the words "ex-Presidents and Vice-Presidents, Cabinet officers, Senators." Also insert after the word "Congress," in line 7, these words, "also ex-Vice-Presidents, ex-Senators."

Mr. BLACKBURN. I wish to call the gentleman's attention to the fact, of which he does not seem to be aware, that there is not an ex-member of this House to-day who is allowed to go upon the floor of the Senate Chamber. I have already taken occasion to call the attention of the gentlemen of the Committee on Rules to that fact as a want of reciprocity on the part of the Senate.

Mr. BREWER. I will strike out the word "ex-Senators."

Mr. BLACKBURN. I think it would be premature and hasty.

Mr. FRYE. Senators are covered by members of Congress, for Senators are members of Congress.

Mr. BLACKBURN. The Vice-President is not a member of Congress.

The CHAIRMAN. The first question is on the amendment of the gentleman from Kentucky.

Mr. WRIGHT. I want to say to the gentleman from Kentucky that an ex-President of the United States is excluded from the floor. While the President is in office he may come upon the floor, but after his term of office expires he is excluded by this rule.

Mr. BREWER. I offered my amendment as a substitute for the amendment of the gentleman from Kentucky, and not as a substitute for the whole section.

Now, I desire to make a suggestion. The proposition of the gentleman from Kentucky is entirely correct. There is no doubt about that. But it seems to me we should not only allow the Vice-President and President but ex-Presidents as well the privileges of the floor. The rule proposed by the committee does not allow that, or does not even allow Cabinet officers or Senators, except under the construction suggested by the gentleman from Maine. If that construction is correct, and it is understood that the term "ex-members of Congress" also includes ex-Senators, I do not wish to change that portion of it. But I think we ought to make it more explicit by including Cabinet officers and Senators.

Mr. HUTCHINS. I would like to ask the gentleman from Kentucky a question. Does the proposed amendment exclude members of the press from the room in the rear of the Speaker's seat?

Mr. BLACKBURN. No, sir; that is not contemplated in the rule.

The CHAIRMAN. Does the gentleman from Michigan desire to retain the word "Senators?"

Mr. BREWER. No; I am willing to strike that word out.

Mr. FRYE. Cabinet officers are necessarily heads of Departments.

The question recurred on the amendment of Mr. BREWER.

The committee divided; and there were—ayes 23, noes 73.

So the amendment was not agreed to.

The question next recurred on the amendment of Mr. BLACKBURN.

The amendment was agreed to.

Mr. TALBOTT. I propose to strike out all after the word "consideration" in the ninth line, and insert the amendment which I send to the Clerk's desk.

The Clerk read as follows:

And such persons as may be admitted by a resolution of the House upon the request of a member.

The amendment was not agreed to.

Mr. DUNNELL. I offer the following amendment.

The Clerk read as follows:

Add to the rule the following:
Or to present from the Chair the request of any member for a suspension of the rules.

Mr. DUNNELL. That is not now covered fully. The rule as it stands says "it shall not be in order for the Speaker to entertain a request for the suspension of this rule." Now, that rule is avoided at the present time by having the request presented by the Speaker from the chair, and I want the rule to absolutely shut off the possibility of anybody getting upon the floor, excepting those admitted in express terms.

Mr. RANDALL, (the Speaker.) Say the Speaker shall not entertain a question by unanimous consent.

Mr. DUNNELL. That is covered by the amendment.

Mr. RANDALL, (the Speaker.) Let it be read.

The proposed amendment was again read by the Clerk.

Mr. RANDALL, (the Speaker.) Strike out "suspension of the rule" and insert "unanimous consent."

Mr. DUNNELL. I accept the amendment.

The question recurred upon the amendment of Mr. DUNNELL.

The committee divided; and there were—ayes 84, noes 21.

So the amendment was agreed to.

Mr. GEDDES. I present the following amendment to Rule XXXIV to be inserted in the sixth line after the word "Capitol."

The Clerk read as follows:

The Librarian of Congress and his assistants in charge of the law library.

Mr. RANDALL (the Speaker.) I ask for a division of that question so that we can vote between the Librarian and his assistants.

The question was taken upon the first branch of the question, namely, "the Librarian of Congress."

The amendment was agreed to.

The question recurred on the second branch of the amendment, namely, "and his assistants in charge of the law library."

The amendment was agreed to.

Mr. BAKER. I offer an amendment to come in after the word "Departments," in line 5. It is simply for this purpose: The Commissioner of Indian Affairs, the Commissioner of Patents, the Commissioner of Pensions or any other bureau are absolutely needed here on the floor on the passage of appropriation bills.

Mr. RANDALL, (the Speaker.) I want to say but a word on this question. I think the Committee on Rules have gone far enough in this matter of admissions to the floor.

Mr. McGOWAN. I rise to a point of order. No motion is before the committee.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Indiana.

The Clerk read as follows:

In line 5, after the word Departments, insert the words "and of bureaus."

Mr. RANDALL, (the Speaker.) I hope that will not prevail. I think we have gone far enough. We have witnessed in our past experience the efforts of bureau officers to come in here and control Congress. I hope the amendment will not be adopted.

Mr. FRYE. I ask the attention of the chairman of the committee. It has been suggested to me that the Chief Clerk and the disbursing clerk of the House ought to be admitted. I leave the matter to the chairman of the committee.

Mr. BLACKBURN. Personally, I have no objection to such an amendment, but I have no authority to accept it.

Mr. FRYE. I will offer that amendment after the pending one is disposed of.

The question being taken on Mr. BAKER'S amendment, it was not agreed to.

Mr. FRYE. I now offer the following amendment:

After the words "law library" insert "Chief Clerk and disbursing clerk of the House."

The question being taken on the amendment, there were—ayes 26, noes 62.

So (further count not being called for) the amendment was not agreed to.

Mr. WARNER. I offer the following amendment:

After the word "claim," in line 8, insert "or directly in any bill."

So that it will read:

Ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress.

Mr. BLACKBURN. That is all right.

The amendment was agreed to.

Mr. ROBINSON. I offer the following amendment:

After the word "elect," in the fourth line, insert the following:
Contestants in election cases during the pendency of their cases in the House.

Mr. BLACKBURN. That is right.

The amendment was agreed to.

The Clerk resumed the reading of the report and read as follows:

RULE XXXV.

OF ADMISSION TO THE GALLERIES.

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, justices of the Supreme Court, foreign ministers and suites, and the members of their respective families, and shall also set aside a portion of the same gallery for the accommodation of persons to be admitted on the card of members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of members of Congress, in which the Speaker shall control one bench, and on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

Mr. OSCAR TURNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to Rule XXXV the following:

And on the request of any member the Speaker may issue a card of admission to the family of said member to the new room adjoining the Hall of the House of Representatives and in the rear of the Speaker's seat.

Mr. OSCAR TURNER. I desire to say that when the families of members come here and take their seats in the galleries they frequently find the atmosphere very oppressive; and it would cause no inconvenience to allow their admission to this large and magnificent hall behind the Speaker's seat. I have offered the amendment at the request of the wives of many members; and I can see no impropriety in their having the privilege of going into the large room adjoining the Hall.

Mr. COX. I hope that will be adopted.

The question being put on Mr. OSCAR TURNER'S amendment, there were—ayes 48, noes 78.

So (further count not being called for) the amendment was not agreed to.

Mr. CONGER. I ask that that part of the rule which relates to the giving of cards for the admission of the families of members be again read.

The Clerk read as follows:

And on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

Mr. CONGER. Is it intended that for each day such a card shall be required?

Mr. BLACKBURN. It is not.

Mr. CONGER. It would be a very great inconvenience if we had to go every day and get such a card.

Mr. MCMAHON. Get a season ticket.

Mr. RANDALL, (the Speaker.) It will last for a Congress.

Mr. DUNNELL. I offer the following amendment:

Strike out in line 2 the words "or rooms leading thereto."

Mr. BLACKBURN. I make the point of order that we have passed that rule.

Mr. DUNNELL. I think not.

Mr. BLACKBURN. The gentleman's amendment is to Rule XXXIV, and we have been considering Rule XXXV.

Mr. DUNNELL. I withdraw the amendment. [Laughter.]

The Clerk resumed the reading of the report, and read as follows:

RULE XXXVI.

OFFICIAL AND OTHER REPORTERS.

1. The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees, and the manner of the execution of their duties, shall be vested in the Speaker.

2. Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker, to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign two seats on the floor to Associated Press reporters, and regulate the occupation of the same.

Mr. HUTCHINS. I ask the chairman of the committee what is the necessity of the word "down" in second clause of Rule XXXVI Would it not be sufficient to say "wishing to take the debates and proceedings." Why must they be taken "down"?

Mr. RANDALL, (the Speaker.) I do not suppose any member is to be "taken down." [Laughter.]

The Clerk resumed the reading of the report and read as follows:

RULE XXXVII.

PAY OF WITNESSES.

The rule for paying witnesses summoned to appear before the House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of $3; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

Mr. DUNNELL. I offer the following amendment:

In the third line of Rule XXXVII strike out "three" and insert "two," so that it will read:

"For each day a witness shall attend, the sum of $2."

This House after long debate and deliberate discussion, declared that witnesses before the United States courts should be paid $2 a day. In view of that fact, witnesses ought not to be paid $3 a day here.

Mr. BLACKBURN. That is right.

The amendment was agreed to.

The Clerk read the following:

RULE XXXVIII.

PAPERS.

The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence or testimony taken by such committee, under the order of the House, during the said Congress.

Mr. FRYE. I desire the attention of the gentleman in charge of this report. I am informed that there are quite a number of committees whose clerks leave before the Congress ends, and that there are special committees whose clerks are discharged long before the close of Congress. In regard to them this rule would really be impracticable, and I suggest that it be amended so as to read as follows:

The Clerk of the House shall, within three days after the final adjournment of a Congress, take into his keeping all bills, joint resolutions, petitions, and other papers referred to committees, together with all testimony taken by committees under the order of the House.

It seems to me that that is better than the rule which has been reported from the committee.

Mr. BLACKBURN. I am myself cognizant of the difficulty suggested by the gentleman from Maine, [Mr. FRYE,] and I think some provision should be made to remedy it.

Mr. RANDALL, (the Speaker.) Would it not be better to add that as an independent clause?

Mr. FRYE. I prefer it as a substitute for Rule XXXVIII.

Mr. HAWLEY. Then you should add to it that the Clerk of the House shall be charged with the duty of collecting such papers.

Mr. MCMAHON. What would you do with those clerks who are annual clerks?

Mr. CLAFLIN. If the gentleman would add his amendment to the proposed rule I think he would accomplish his object.

Mr. FRYE. If gentlemen prefer it I have no objection to making it clause 2 of this rule.

Mr. RANDALL, (the Speaker.) I think it had better be added as an independent clause, rather than to interfere with the rule as reported.

Mr. FRYE. I will move it, then, as an additional clause.

The amendment of Mr. FRYE was agreed to.

The Clerk read the following:

RULE XXXIX.

WITHDRAWAL OF PAPERS.

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if so withdrawn therefrom certified copies thereof shall be left in the office of the Clerk; but when an act may pass for the settlement of a claim the Clerk is authorized to transmit to the officer charged with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to the officer or bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or bureau, taking proper receipt therefor.

Mr. HAWLEY. I desire to call the attention of the gentleman from Kentucky [Mr. BLACKBURN] to the first part of the rule which has just been read. It reads:

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if so withdrawn therefrom—

That is, withdrawn without its leave.

Mr. BLACKBURN. Strike out the word "so" before "withdrawn."

Mr. HAWLEY. Very well; that will do.

The amendment was agreed to.

The clerk resumed and concluded the reading of the report of the Committee on Rules, as follows:

RULE XL.

BALLOT.

In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained; and in all ballotings blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.

RULE XLI.

MESSAGES.

Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the RECORD of that day's proceedings.

RULE XLII.

EXECUTIVE COMMUNICATIONS.

Estimates of appropriations, and all other communications from the Executive Departments, intended for the consideration of any committees of the House, shall be addressed to the Speaker and by him submitted to the House for reference.

RULE XLIII.

No person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee of Accounts to inquire into and report to the House any violation of this rule.

RULE XLVI.

JEFFERSON'S MANUAL.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and joint rules of the Senate and House of Representatives.

RULE XLV.

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.

Mr. REAGAN. I move to amend Rule XLV by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the adoption of these rules shall not be construed to interfere with special orders of this House heretofore made on pending bills.

Mr. COX. I would like to have that explained.

Mr. RANDALL, (the Speaker.) That ought to be the action of the House; it is hardly a matter to be incorporated in the rules.

Mr. BLACKBURN. I suggest to the gentleman from Texas [Mr. REAGAN] that these rules are yet to be adopted by the House. When

we go out of the Committee of the Whole and come into the House, that will be the time for the gentleman to move the proviso he now offers.

Mr. REAGAN. I would then labor under this difficulty: as soon as this is reported from the Committee of the Whole the previous question will be ordered upon it.

Mr. BLACKBURN. I will give the gentleman an opportunity to offer his amendment if it is deemed necessary.

Mr. RANDALL, (the Speaker.) It should be a resolution of the House, not a provision of a rule.

Mr. REAGAN. Very well, then; I will withraw the amendment.

Mr. BLACKBURN. I move to amend Rule XLV by adding to it the following:

Provided, That Rule 85 (of the present rules) shall continue in force during the pesent Congress.

The new rules discontinue absolutely one of the committees of this House. Of course it is not proposed or intended to strike down that committee during the present Congress, but to leave it as appointed in full force and effect.

Mr. KEIFER. That had better be done by a resolution of the House.

Mr. BLACKBURN. I would as soon do it in that way as to have it incorporated in these rules; and I will therefore ask the Clerk to hold it, and I will not offer it at present.

Mr. GILLETTE. I offer as a substitute for Rule XLV that which I send to the Clerk's desk.

The Clerk read as follows:

These rules shall be the rules of the House of Representatives of the present Congress, and of succeeding Congresses only when adopted by them. And no Speaker shall be authorized to construct the committees of any future Congress without direct authority by vote of the House of Representatives.

Mr. GILLETTE. Mr. Chairman, we have some of us used our best efforts to amend these rules so as to protect the country at large from discriminations against individual members, from actual usurpation by a few of the powers and privileges of this whole House. Thus far those efforts have failed. While most of the rules presented are well enough and do not militate against the rights of individual members, a few are so bad, so antagonistic to every principle of justice and freedom that language too severe cannot be used in their condemnation. The most dangerous are those by which this House farms out to *one member* the right to appoint all the committees of this body, and then accords to those committees power to suppress any and all the bills referred to them.

Only yesterday it was charged that one member of the Committee on Commerce accused the Speaker of having packed the committee to kill a certain bill. I mention this only to show how naturally suspicions attach to the Speaker whenever measures considered important are suppressed by a committee, and not to reflect upon our Speaker.

During the consideration of these rules there have been ten amendments introduced to enable a majority of this House to demand a bill not reported by a committee after abundant time had passed for its consideration, but the leading members of both old parties have joined hands to protect the committees in any efforts to stifle the bills referred to them although desired by this House for their action.

These rules make an autocracy of this government, inasmuch as they give to the Speaker, who controls the floor of this House, the practical control of his appointees, the various committees, and make it impossible to get a solitary measure before the House unless by the favor of these committees. It makes no difference how worthy tho Speaker may be. There is no man in the nation or in any nation to whom such powers over legislation should be granted. The United States Senate, a less republican body than this is supposed to be, is unwilling to trust even the Vice-President of the nation with such powers, but appoints its own committees and makes them directly accountable to the Senate.

The rules first adopted by this House were explicit, and prepared with the utmost care to protect the rights of the members, and provided that "committees consisting of more than three members shall be balloted for by the House." The important committees consisted of more than three members; for example, the one on elections had seven members.

As great an abomination as I believe these rules to be, as thoroughly anti-republican and anti-democratic as they are, practically subverting the representative feature of this Government, we might endure the injustice for this Congress, if compelled to, in the hope that our successors would indignantly throw off the yoke, but we are even asked to stretch this pall over them. We are asked, not only to yield our own rights, but also those of succeeding Congresses.

What right has one Congress to impose its laws upon a succeeding Congress? No more, in my judgment, than it has to impose them upon the English Parliament. It may be asked, then, what harm in passing a rule which can carry with it no authority. Every harm; for this implied authority will in the future, as in the past, be seized as a pretext on the part of the Speaker to appoint all his committees the moment he is elected, if indeed it is not done before he is elected, and these appointments used as a legal tender with which to purchase his election.

This Congress has never by vote authorized directly or indirectly the Speaker to appoint a single standing committee. We have never even indorsed the appointments that have been made, and yet we have been divided out under authority of some preceding Congress. We have never even adopted one of the hundred and sixty-six rules that have been used like bits and bridles upon us from the hour we first met.. If we must submit during this Congress let us do it with the hope that our successors may be more jealous of their rights and give to this House a republican government.

I believe these rules practically surrender the legislation of this country into the hands of one man, and give him more power than a dozen Presidents.

When Kossuth fled to this country for protection from Austrian despotism, he was welcomed to the Capitol by the greatest statesman of the time. In reply to Daniel Webster and others while comparing the Old World with the New, he said:

The Old is awful with unrestricted power; yours is glorious with having restricted it. At the view of the Old, nations tremble; at the view of yours, humanity hopes.

I repeat, the inevitable effect of these rules is to give the Speaker of this House almost unrestricted power. He may and will fill the few committees that control legislation with men who reflect his own views and wishes, and govern their action with undisputed sway, almost totally subverting the object of the annual gathering here of the so-called Representatives of the people.

When this Republic goes down, if go down it must, it will not be through the "man on horseback" or any President, but through the man on the *wool-sack* in this House, under these despotic rules, who can prevent the slightest interference from individual members; who can, if he will, make and unmake laws like an emperor, hold back or give the sinews of war and the salaries of peace.

The amendment of Mr. GILLETTE was not agreed to.

Mr. REAGAN. I move to amend by striking out, in Rule XLV, all after the words "House of Representatives;" so as to make the rule read:

These rules shall be the rules for the House of Representatives.

By the Constitution it is provided that—

Each House may determine the rules of its proceeding.

Contrary to this provision, we propose by the pending rule to declare that we are making rules for the government not only of the present but of future Houses of Representatives. This we can only do by laws enacted in conformity with the Constitution. The Constitution expressly reserves to each House the right to make its own rules; and if it be said that there must be some rules under which a new House shall organize, I answer that parliamentary law and parliamentary practice furnish such rules. I simply desire this House not to adopt a rule in violation of the Constitution; not to attempt to do that which it has not the power to do. [Cries of "Vote!" "Vote!"]

I do not wish to detain the committee, but only to call attention to the fact that by Rule XLV as it stands we are undertaking to do what we have no authority under the Constitution to do. Let us not undertake to deny the right of each succeeding House to adopt such rules as it may deem fit; let us not make ourselves ridiculous by proposing to bind in this way any future House of Representatives.

The question being taken on the amendment of Mr. REAGAN, it was not agreed to, there being—ayes 39, noes 63.

Mr. BLACKBURN. At the time Rule V was under consideration the committee on rules reserved the right to go back to it.

The CHAIRMAN. The Chair will state that the Committee on Rules also reserved the right, at the suggestion of the gentleman from Ohio, [Mr. GARFIELD,] not now present, to return to the third clause of Rule IV for the purpose of disposing of the matter of the execution of the bond of the Sergeant-at-Arms.

Mr. BLACKBURN. I ask that the Committee of the Whole may return to Rules XXIII and XXIV, so that I may offer some amendments which the Committeeon Rules had unanimously agreed to, but which when these rules were under consideration were in the hands of the clerk of the committee, who was absent on that day.

Mr. FRYE. We can dispose or Rule IV in a moment, because in the absence of the gentleman from Ohio [Mr. GARFIELD] I feel at liberty to say that we came to the conclusion that if anything was to be done in relation to the Sergeant-at Arms it must be done by law, not as a rule of the House.

The CHAIRMAN. But the gentleman from Indiana [Mr. NEW] has also an amendment pending to the third clause of Rule IV. His amendment was passed over with the other.

Mr. RANDALL, (the Speaker.) With reference to the amendment of the gentleman from Indiana, I will say that the committee took it into consideration and thought the features he proposed were very valuable and ought to be enacted into a law, as well as the suggestions of the gentleman from Ohio.

Mr. FRYE. But not into a rule.

Mr. NEW. I have no disposition to occupy the time of the committee by anything in addition to what I have heretofore said in support of my amendment. I will remark, however, that the gentleman from Ohio [Mr. GARFIELD] said to me a few days since that it was believed by the Committee on Rules to be best to have a statute upon this subject, but that it might be well, and probably would be best, to adopt the amendment which I had offered, inasmuch as it was uncertain when there would be such legislation. I am willing,

in the mean time, that the clause which I have offered to amend should remain as it is.

Mr. RANDALL, (the Speaker.) If the gentleman will introduce and have referred to the Committee on Rules a bill embracing his views, I have no doubt it will be promptly acted upon.

Mr. NEW. As it seems to be the sense of the committee that the amendment had better be withdrawn, I withdraw it.

Mr. RANDALL, (the Speaker.) The committee think that any provision on this subject had better be in the shape of a law.

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. NEW] being withdrawn, the Committee of the Whole will now return to Rule XXIII.

Mr. BLACKBURN. I am directed by the Committee on Rules to move to amend by adding to clause 1 of Rule XXIII the following:

Who shall, in case of disturbance or disorderly conduct in the galleries or lobby have power to cause the same to be cleared.

This relates to the power of the chairman of the Committee of the Whole. It is Rule 9 of the existing body of rules, and was accidentally omitted.

Mr. RANDALL, (the Speaker.) The amendment simply gives to the chairman of the Committee of the Whole the same power in this respect that the Speaker has in the House.

The amendment was agreed to.

Mr. BLACKBURN. I am directed by the Committee on Rules to move to amend by adding the following to the second clause of Rule XXIII, which relates to occasions when the Committee of the Whole finding itself without a quorum reports that fact to the House:

But if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

That is the present rule exactly.

The amendment was adopted.

Mr. BLACKBURN. I now offer from the Committee on Rules a substitute for clause 4 of the twenty-third rule.

The Clerk read as follows:

In Committees of the Whole House, business on their calendars shall be taken up in regular order, excepting bills for raising revenue and general appropriation bills, which shall have precedence; and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide without debate whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

Mr. BLACKBURN. We simply provide the machinery looked to in the fourth clause.

Mr. CONGER. Would that require in passing every bill each time when the bill was reached that the committee should rise?

Mr. BLACKBURN. Yes, sir; and that was insisted upon.

Mr. RANDALL, (the Speaker.) On your side.

Mr. CONGER. I know no sides in this matter.

Mr. RANDALL, (the Speaker.) I mean it was insisted on by the minority.

Mr. BLACKBURN. It is the present clause of the rule, and explains more elaborately, but conforms to the general order of business in that it gives priority to revenue bills and general appropriation bills.

Mr. REAGAN. Is it understood that the rule which permits the privilege to the Committee on Commerce on bills relating to rivers and harbors is unaffected by this amendment?

Mr. BLACKBURN. It is not affected in the slightest, as the river and harbor bill is not a general appropriation bill.

Mr. REAGAN. I move it shall embrace, then, the river and harbor appropriation bill, too.

Mr. COX. I should like to hear it read again if there be no objection.

The amendment was again read.

Mr. REAGAN. I move, after the word "appropriation," to insert the words "and bills for the improvement of rivers and harbors."

The amendment to the amendment was agreed to.

Mr. COX. I give notice that I shall demand the yeas and nays on that amendment when we get into the House.

The amendment, as amended, was then adopted.

Mr. BLACKBURN. I move, in the seventh clause of the twenty-third rule, to strike out the words "recommendation to strike out the enacting words" and insert in lieu thereof the following: "an adverse recommendation."

That simply means not to report a bill back from the Committee of the Whole by striking out the enacting words, but simply to report it back with adverse recommendation, which is broader and covers all adverse action in committee.

The amendment was adopted.

Mr. RANDALL, (the Speake.r) I am directed by the Committee on Rules to move an amendment, which is not a substantial change, but merely makes the language more harmonious. It is in the nature of a substitute for the first clause of Rule XXIV.

The Clerk read as follows:

Each Monday morning during a session of Congress, after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and resolutions for reference, on which call joint and concurrent resolutions and memorials of State Legislatures may be presented and appropriately referred; and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

Mr. BLACKBURN. And territorial Legislatures should be added.

Mr. RANDALL, (the Speaker.) I will modify my substitute by inserting those words so as to read, "memorials of State and territorial Legislatures."

The CHAIRMAN. The clause as it now stands has been very materially amended in the Committee of the Whole, and, as the Chair understands, the amendment moved by the gentleman from Pennsylvania is a substitute for the clause as it now stands.

Mr. RANDALL, (the Speaker.) I move it as a substitute for the entire first clause as it has been amended.

The CHAIRMAN. The Clerk will read the clause as it now stands, having been amended in the Committee of the Whole.

The Clerk read as follows:

Each Monday morning during a session of Congress all the States and Territories shall be called in their alphabetical order for bills and joint resolutions and memorials of State and territorial Legislatures and House resolutions for reference; and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order to be submitted; and said resolutions shall lie upon the table, and the mover or proposer of such resolution shall be permitted to call up the same after the reading of the Journal, at any time after the expiration of one week, and have the same submitted to a vote of the House without debate.

Mr. RANDALL'S substitute, as modified, was adopted.

Mr. RANDALL, (the Speaker.) I am directed by the Committee on Rules to move, in the fourth clause of the twenty-fourth rule, where the word "Monday" is used, to insert "the first and third Monday," so as to make it conform to the action of the committee recently taken.

The amendment was agreed to.

Mr. RANDALL, (the Speaker.) I am also directed, in clause 6 of the same rule, to strike out in the first paragraph after the word "Union" the words "to consider, first, bills raising revenue and general appropriation bills, and then other business on its calendar."

Mr. CONGER. What is the object of that?

Mr. RANDALL, (the Speaker.) In order that it may conform to the previous action of the committee. It is provided for in Rule XI, and is unnecessary here.

The amennment was agreed to.

Mr. BLACKBURN. I move now that the committee rise and report the rules as amended to the House.

Mr. CONGER. Before that motion is put, I desire to ask that either the Committee on Rules or the chairman of it shall cause a copy of the rules to be printed as they have been adopted by the Committee of the Whole in order that we may see what action has been taken upon them.

Mr. BLACKBURN. It is my purpose when we get into the House to ask that the rules as adopted by the Committee of the Whole shall be printed with all the amendments in italics and each one numbered. I will say further that up to this time the clerk of the committee has kept up with all the amendments, so that there will be no delay in preparing this copy for the printer. I now move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the report of the Committee on Rules, and had directed him to report the same back to the House, with sundry amendments thereto.

Mr. BLACKBURN. Mr. Speaker, I now give notice to the House that I shall ask to call up in the House for action, on Tuesday next, immediately after the morning hour, the revision of the rules as reported from the Committee of the Whole.

Mr. ATKINS. Why not to-morrow?

The SPEAKER. The Chair will say to the gentleman from Tennessee that the Committee on Rules would like to see the rules in print.

MARCH 2, 1880.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the morning hour for to-day be dispensed with, the object being to proceed with the consideration of the report of the Committee of the Whole House on the subject of the revision of the rules.

Mr. MORSE. I hope the gentleman will withhold that motion for a moment.

Mr. BLACKBURN. If I yield to one gentleman I must yield to twenty others.

The motion of Mr. BLACKBURN was agreed to, two-thirds voting in favor thereof.

Mr. BLACKBURN. I now move that the report made by the Committee of the Whole on the state of the Union upon the subject of the proposed revision of the rules be taken up for consideration.

Mr. CONGER. I move to amend so as to provide that each rule and each paragraph be read and acted upon separately.

The SPEAKER. It is the gentleman's right to have a vote on every mendment.

Mr. CONGER. But I desire that each rule shall be acted on separately.

The SPEAKER. Does the gentleman from Kentucky [Mr. BLACKBURN] agree to that?

Mr. BLACKBURN. I do not. On the contrary, unless it be desired that the report of the Committee of the Whole upon the revision be read, I shall ask to dispense with the reading of the report, except the amendments which have been agreed on in Committee of the Whole and such amendments as the Committee on Rules propose now to offer.

Mr. CONGER. Does not the gentleman propose to have these rules open to amendment by others than the Committee on Rules?

Mr. BLACKBURN. Most certainly not. I am going to ask the previous question at once as soon as we have submitted our amendments.

Mr. CONGER. I give notice now that unless there is an opportunity to offer one or two amendments which we on this side propose to submit, I shall endeavor (and I hope to succeed) to prevent the ordering of the previous question by any parliamentary means in our power.

Mr. WEAVER. And we will assist you.

Mr. CONGER. I demand, therefore, an opportunity to offer amendments to such of the rules as we desire to amend, outside of the Committee on Rules.

Mr. BLACKBURN. That is the gentleman's right, provided he has strength enough to vote down the demand for the previous question.

Mr. CONGER. We have strength enough to prevent action of the House at all, and I give that notice so the gentleman may understand we shall insist upon our right to offer amendments outside of the Committee on Rules.

Mr. BLACKBURN. I knew the gentleman would do that. I did not need any notice from him.

Mr. CONGER. I cannot see, in the interest of progress and good order, why the gentleman should not permit the amendments which we desire to be offered. [Cries of "Regular order!"]

Mr. YOUNG, of Tennessee. I desire to offer a suggestion.

Mr. BLACKBURN. I will hear the gentleman from Tennessee.

Mr. YOUNG, of Tennessee. I desire to have a yea-and-nay vote on an amendment.

The SPEAKER. That is the gentleman's right on any amendment reported from the Committee of the Whole House.

Mr. YOUNG, of Tennessee. But I desire to have a vote on an amendment which was not adopted in the committee.

The SPEAKER. If not adopted and reported from the Committee of the Whole on the state of the Union it is not before the House at all.

Mr. YOUNG, of Tennessee. I wish to ask the gentleman in charge of these rules a question.

Mr. CONGER. I desire to ask the gentleman from Kentucky to except from the operation of the previous question Rule XXI.

Mr. BLACKBURN. If the House will allow me, I will tell them exactly what has been agreed upon. The demand I propose to submit for the previous question upon the report from the Committee of the Whole on the state of the Union was the result of the unanimous action of the Committee on Rules this morning. As to Rule XXI it was amended by way of substitute in the Committee of the Whole House and it is the right of every member of this House to demand a yea-and-nay vote on that amendment to day in this House. That is the right of the gentleman from Michigan on my right, or of any other gentleman in the House.

Mr. CONGER. The gentleman need not waste words in telling me my rights on that; I understand what they are.

Mr. BLACKBURN. I know the gentleman from Michigan scarcely ever fails to exercise all his, and occasionally grabs for somebody else's rights. [Laughter.] But in this case Rule XXI is subject to the call of the yeas and nays, that is, on the amendment in the nature of a substitute adopted by the Committee of the Whole on the state of the Union. The unanimous action of the Committee on Rules is the warrant I hold for the motion I indicate to the House I am going to submit, which is to apply the previous question to this report. Two months' debate have already been had on it. Every opportunity has been offered to every member of this House during those two months in the Committee of the Whole House to amend every rule and every clause and every paragraph of every rule. Now we have reached the conclusion of the labors of the Committee of the Whole House, and in accordance with instructions given me unanimously by the Committee on Rules I intend to ask this House to apply the previous question to all the amendments reported from the Committee of the Whole House on the state of the Union.

Mr. HOUSE. Now, I know, Mr. Speaker, the gentleman from Kentucky will yield to me for one moment.

Mr. BLACKBURN. Certainly.

Mr. HOUSE. The amendment of Rule XXI, or any other amendment which has been put on the rules, can have a yea-and-nay vote in the House. I desire to ask the gentleman whether he will allow me to offer an amendment which was not adopted in committee, so we may have the yeas and nays upon it. I think there is a general disposition to call the previous question—there is on my part I know; I do not wish to go over all this ground again, but I do consider this as of vital importance, and I want gentlemen to go on the record upon it. I ask to have the amendment I suggest read for information.

Mr. BLACKBURN. Certainly.

Mr. HOUSE. I will send it to the Clerk's desk. I do no twish to debate it, but simply to have a yea-and-nay vote upon it—to have the privilege of offering it as an amendment during the consideration of the rules and a vote upon it by yeas and nays.

The Clerk read as follows:

When a bill, resolution, or proposition relating to the raising of revenue or the reduction of taxes shall be referred to a standing or select committee of the House and the committee shall fail for fifty days to make any report to the House thereon, it shall be in order on any Monday, immediately after the expiration of the morning hour, to move to discharge the committee from the further consideration of the same; which motion shall then be considered without debate, and, if decided in the affirmative, the bill or resolution shall be placed on the appropriate calendar, unless a majority of the House shall then determine to consider the same.

Mr. HOUSE. Now, I ask the gentleman from Kentucky whether he will allow me to offer that, so we may have the yeas and nays upon it. I understand, sir, that the Committee of Ways and Means determined this morning to touch no legislation of that sort. I want to see whether the representatives of the people are ready and willing to surrender their interests in their hands. [Applause.]

Mr. BLACKBURN. I wish, Mr. Speaker, to answer the question submitted to me by the gentleman from Tennessee.

The SPEAKER. The gentleman from Kentucky is upon the floor.

Mr. BLACKBURN. I will now answer the question propounded to me by the gentleman from Michigan.

I will say to the gentleman from Tennessee that he remembers very well in Committee of the Whole by voice and by vote I supported the very identical amendment for which he now asks to reserve the right to offer, even without debate, in the House. I am as cordial in its favor as any man here, but I have no right to agree to any understanding of that kind. The Committee on Rules unanimously instructed me to apply the previous question if the House would so consent, and I must insist on that. Were it a matter personal to me I would gladly yield for that amendment and for that of the gentleman from Michigan or that of any other gentleman on the floor, provided it was coupled with the proposition which the gentleman from Tennessee makes, to vote on the amendment without debate. But I have no authority, no power, to do so. I simply stand here as the spokesman of the Committee on Rules, and ask the previous question by the unanimous order of that committee.

Mr. CONGER. I do not ask to debate the proposed amendment, but we upon this side of the House desire to have an opportunity to vote upon the question of riders upon appropriation bills by striking out in Rule XXI, in the third paragraph, all after the word "order." I say that without debate we want our record on that subject; and it is no more than fair to this side of the House and to the country that we should have an opportunity to do that. And, Mr. Chairman, we intend to have that right and that opportunity if we stand silent here for weeks. We have spent three months in extra session discussing that question of riders upon appropriation bills, and that much time has been wasted unless we now have an opportunity to make our record on the principle proposed to be embodied in that rule. I have already said that we do not wish debate; we only ask a vote on the proposition to strike out all after the word "order" from that Rule XXI, all of that portion of it which relates to riders upon appropriation bills. And if I understand the temper of this side of the House we intend to have a vote if by any parliamentary process we can obtain it.

Mr. BLACKBURN. All I can say is, the only way for the gentleman to reach that——

Mr. CONGER. In order that I may be understood let me read to the House that portion of paragraph 3 upon which I wish the opportunity of making a record. It is to strike out after the word "order," in the third paragraph of this Rule XXI, the following words:

Except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The remainder of that is an amendment which can be voted upon. I want a vote upon striking out that proposition, and if the Committee on Rules do not desire unanimously to grant the right to vote upon that proposition, I have misunderstood the sentiment of some of its members.

Mr. BLACKBURN. Then the gentleman from Michigan has misunderstood one of his colleagues.

Mr. CONGER. I would like some gentleman of the Committee on Rules on this side of the House to state if they have agreed that there shall be no yea-and-nay vote on this proposition to strike out.

Mr. BLACKBURN. Nobody has so said. On the contrary, I repeat the statement I made, which is this: that no member of the Committee on Rules objected to a yea-and-nay vote on anything; but that the Committee on Rules unanimously agreed in its session this morning to instruct me to ask the previous question and apply it to this report and to the amendments to be submitted by the Committee on Rules as well as to those reported from the Committee of the Whole House, and that action of the committee leaves me no margin for discretion. The gentleman has already had the opportunity over and over again to exercise his right to vote in the Committee of the Whole upon this very identical subject.

Mr. CONGER. But without a record.

Mr. BLACKBURN. Without a record, I grant, and there also stands the gentleman from Tennessee, who desires a record upon another very important amendment.

A MEMBER. Then let him have an opportunity of making a record.

Mr. BLACKBURN. Now there is but one way for the gentleman from Tennessee to reach his purpose, with which I sympathize, and for the gentleman from Michigan to reach his purpose, with which I do not sympathize, namely, to vote down the previous question and open up the discussion without limit in the House, and let us take two months more, probably as we have had already the last two taken up in the discussion of this report.

Mr. CONGER. I have already stated to the gentleman from Kentucky that I do not desire debate upon this proposed amendment.

Mr. BLACKBURN. I know very well the gentleman does not ask debate, but if this is done who will undertake to say that no man in this House will not ask to be heard? Who will undertake to assert on this floor every man will not have his pocket full of amendments to every rule in this series on every one of which some one will not ask to be heard?

Mr. CONGER. Will the gentleman permit me to ask some member of the Committee on Rules on this side of the House if they did assent that there should be no yea-and-nay vote on the proposition to strke out of that Rule XXI the clause providing for political riders on appropriation bills? I should like to know that.

Mr. FRYE rose.

Mr. TOWNSHEND, of Illinois. I rise to a question of order. It is that this debate is not in order.

The SPEAKER *pro tempore*, (Mr. COX.) The gentleman from Kentucky [Mr. BLACKBURN] has the floor.

Mr. TOWNSHEND, of Illinois. The gentleman from Kentucky has moved the previous question, as I understand.

Mr. BLACKBURN. I have not asked it as yet. I yield to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. An inquiry has been made of me as a member of the Committee on Rules; and I say for myself that I did consent to the demand for the previous question, and so did every member of that committee. I say further that I am in favor of sustaining the demand for the previous question. I do not know for whom the gentleman from Michigan [Mr. CONGER] speaks when he speaks for this side. I only speak for myself. And I say to the gentlemen on this side that we have had our opportunity. To be sure we are not on record by a yea-and-nay vote; but the whole country knows that the democratic side of the House sustains the proposition for riders and that the republican side of the House sustains the proposition against riders. You cannot make it any plainer or any clearer if you spend two months more. I except on the democratic side some three or four gentlemen every one of whom is on record by a speech or an amendment.

Now, sir, as a republican, as a friend to the tariff, if you please, as an opponent to the cutting down of the internal-revenue taxes on tobacco and on whisky any further, I am in favor of the previous question being ordered, and am not in favor of opening up before this House all these great questions under this matter of the mere rules. And I say to the republican side of this House before you vote down the demand for the previous question, look carefully to see what doors you will open, what debates you will spring upon this House, what votes you will be compelled to take part in.

Mr. HOUSE. I understand the gentleman from Maine then to be in favor of a committee of this House smothering the voice of a majority of its members.

Mr. WEAVER. And also afraid to trust the members of this House.

Mr. FRYE. Smothering the voice of a majority of this House! Why, sir, the gentleman from Tennessee [Mr. HOUSE] by himself and others offered that amendment six different times and in different forms in Committee of the Whole and had a vote upon it every single time by tellers; and the amendments were voted down by a large majority notwithstanding that a member of the Committee on Rules was in favor of the propositlon and speaking for it.

Mr. HOUSE. I want a record on it.

Mr. FRYE. Well, now, I simply point the gentlemen on my own side of the House to this exhibition of what may be likely to come before the House provided you vote down the previous question or filibuster against it. You have the gentleman from Iowa [Mr. WEAVER] leading his forces in certain directions and for certain purposes; you have the gentleman desiring to take off the duty on tobacco and whisky leading his forces. I ask you if it is safe to open the discussion anew, to open the rules anew to amendment and have two more solid months consumed of the time of this House and of this country in that way.

Mr. WEAVER and Mr. CONGER rose.

The SPEAKER *pro tempore*. The gentleman from Kentucky has the floor.

Mr. CONGER. I ask the gentleman to yield to me.

Mr. BLACKBURN. How much time?

Mr. CONGER. Five minutes.

Mr. BLACKBURN. Very well.

Mr. CONGER. Although the gentleman from Maine [Mr. FRYE] agrees with the committee in the demand for the previous question, and although he attempts to administer a rebuke to me and other members on this side of the House who desire a record on the political-rider question, which has agitated this country more than all other questions within the last year, I still thank him for his argument in so far as it may influence, if it be possible to make an argument which shall influence that side of the House, to vote down the previous question. The gentleman has made it stronger than I could do.

But, sir, I do say for myself—and I do not pretend to represent anybody else—I do say for myself that I will resist the passage of these rules without an opportunity of casting a yea-and-nay vote, and making a record upon all that transpired in the extra session, and now in this session, and in this committee, as far as I may be able if I stand alone in it. What is the argument of the gentleman? Does he surrender all that we worked for during these long months? Does he ignore all that shook the republican party throughout the Northern States to its very heart, and which influenced the republicans of the North more than any other series of questions or subjects in the last fall elections? Does he ignore all that? I do not; and I will strongly express the hope that there are other gentlemen whose constituents will not permit them to oppose the opportunity of having a yea-and-nay vote on the rule which permits vicious, dangerous, revolutionary, unpatriotic riders to be fastened upon appropriation bills.

Mr. WARNER. Was it not that side of the House which, when the test came, voted down the amendment? [Cries of "Order!" "Order!"] That side of the House voted it down. [Cries of "Order!"]

Mr. CONGER. This is not the first time that the gentleman from Ohio [Mr. WARNER] has endeavored to draw into his all-consuming mint the time of other gentlemen here, or to drown with his mellifluous voice the hoarse utterances of an humble member from Michigan.

Mr. WARNER. I am sorry indeed if I have drowned the voice of the gentleman from Michigan [Mr. CONGER] which is so seldom heard here. [Laughter.]

Mr. CONGER. If the craze of the last session is returning, if it is coming again upon the gentleman from Ohio, in God's name I will stop. There are no worse things in this House than that, except political riders. [Laughter.]

Mr. BLACKBURN. I think we have had enough——

Mr. HOUSE. I ask the gentleman to yield to me for a moment.

Mr. BLACKBURN. Very well.

Mr. HOUSE. I wish the gentleman to understand that what I desire is a vote on my proposition without one word of debate. There shall be no debate upon it, so far as I am concerned and so far as I can control it, and I think I can pledge that there will be no debate on it. It is a proposition that is understood by all.

Mr. BLACKBURN. I know that.

Mr. GARFIELD. Will the gentleman yield to me for a few minutes?

Mr. BLACKBURN. Certainly.

Mr. GARFIELD. I think it is a valuable trait in any man's judgment of affairs to be able to know when he is beaten, to know when to fight, and when to see and acknowledge that with all the forces in his hands he is defeated.

On this side of the House we have made a very persistent and very earnest, and, I think, an exceedingly fair exhibition of our desire to prevent by positive enactment in the rules the presence of political riders on appropriation bills. We had re-enforcements from some of the noblest and best elements on the other side of the House, [laughter,] and for a time it appeared probable that we were going to succeed. But what happened? All the power of party discipline was brought to bear upon our allies, and they were told that the point of party honor would not permit the rule in question to be changed, even if they should resolve privately that in fact and in practice there should be no political riders upon appropriation bills during this session. And as I understand it, though I have no authority for making the assertion, but I express it as my belief that this was the truce which brought about our formal defeat; that it was probably agreed that there should be no attempt this session to put political riders on appropriation bills if they would only let the rule remain unchanged, so that they might have the appearance of victory to cover the reality of defeat.

Now, that is my understanding of the situation. We have won a moral victory against political riders, and I am not afraid that political riders will again disfigure the appropriation bills during this session.

Mr. PAGE. They will next session.

Mr. GARFIELD. Even if the attempt were made this session, it would be voted down by a part of their own forces. Now, the question in my mind is this: shall we fight any longer for a mere point of honor, on which the other side has the power to beat us with a record or without a record? The device of my friend from Ohio [Mr. WARNER] was a contrivance which could be revolved around like the little fifteen-block puzzle, only to be brought again to the same insoluble position. That was simply a part of the general tactics. The gentleman succeeded in expressing his opinions in a qualified way against political riders, and then his block was revolved around until at last he voted against the whole modification of the rule. Now, my friend from the Marietta district can never take any glory to himself for his share of the final outcome.

Viewing these things, therefore, as I do, we are brought face to face with this problem; shall we now reopen the whole fight on the rules, only to come out of the end of another indefinitely long struggle at possibly the same place? While we are doing that, trying to adjust our blocks in the puzzle, the other party will be adjusting their blocks, the tariff blocks, the center party blocks, all their wooden blocks, or iron blocks, or brass blocks, or paper blocks, all revolving around in the puzzle to come out at the end in a general tangle upon the whole board. Shall we do that?

I am unwilling to start off now in filibustering to bring about our

object some way or other, to get some one on the record, when, in my judgment, the record is as well made up in the history of the country as it could be with five hundred yea-and-nay votes. Every member of the democratic party in this House, except those who spoke and are therefore on the record with us, has voted at every turn and at every place against any amelioration of the rule in reference to riders. Their record is as well made up as though they had painted it on the sky every morning in black letters.

Now, therefore, never believing in shooting that which is dead already, never believing in continuing a fight merely for the sake of fight, believing that we have won the moral victory already and the reality of victory also, and that both parties have been sufficiently put on the record before the country, and desiring to get what good there is in these rules, I concur in the recommendation of the Committe on Rules, and believe that we ought not to open this question any further, but should come to an immediate vote on the pending amendments.

Mr. BLACKBURN. Now, Mr. Speaker, I think the exhibition we have had here this morning demonstrates as clearly as anything could do the absolute necessity of applying the previous question, if we ever expect to put an end to debate otherwise interminable and come to final action on these rules. I do not feel it incumbent upon me to follow the gentleman from Ohio [Mr. GARFIELD] into that portion of the field into which he has gone, prefacing what he had to say by a declaration of irresponsibility. It would hardly be proper or fair for me to strike at the gentleman from Ohio or his statements, when he has already advised the House and the country that he is not responsible for those statements, does not know them to be true, and has no authority for making them. Still going on with his qualifications, he adds that in his opinion some sort of a secret bargain in the nature of a truce was struck by which no political legislation was during this session to be put upon appropriation bills. I am not responsible for the gentleman's conclusions or opinions or suspicions. I simply desire to say that I have no information, and I never heard even a suspicion thrown out, that any such truce has ever been effected or any such agreement ever made, proposed, or dreamed of. Nor do I believe that there was ever such a proposition made by one member of this House to any other member; nor do we stand committed in any wise upon that question.

The gentleman is a member of the Committee on Rules, and, by way of justice to all the members of that committee, I may state, what the gentleman already knows, that this morning the substitute known as the Morrison substitute, adopted in Committee of the Whole House for the third clause of the twenty-first rule, was brought up in the Committee on Rules. I violate none of the secrets of the committee (because the right was there reserved to state the facts on the floor to-day) in saying now that when that substitute was brought up in the Committee on Rules this morning a majority of the committee declared against it, and a minority, consisting of the Speaker of the House and myself, voted for it. There is the record. The right was reserved to make it a public record, and I make it public now. The gentleman from Maine, [Mr. FRYE,] the gentleman from Ohio, [Mr. GARFIELD,] and the gentleman from Georgia [Mr. STEPHENS] all voted this morning in the Committee on Rules against the substitute adopted by the Committee of the Whole on motion of the gentleman from Illinois, [Mr. MORRISON.] Those gentlemen declared their preference for the original rule as it now stands.

Mr. FRYE. Will the gentleman from Kentucky allow me a remark right here?

Mr. BLACKBURN. Certainly.

Mr. FRYE. The three members of the committee indicated by the gentleman preferred the rule as it stands because they believed that the Morrison amendment only extended it and offered an invitation and a temptation to every committee in this House to conceive of and propose riders for appropriation bills.

Mr. BLACKBURN. Of course, Mr. Speaker, those gentlemen had reasons satisfactory to themselves; and the gentleman from Maine doubtless states their reasons correctly. I simply stated the fact.

It is not possible for us to reopen this question without throwing the door wide open to a multitude of amendments and to illimitable debate. I can therefore only do as I have been instructed by the Committee on Rules to do—ask that the reading of the report from the Committee of the Whole House (which means the whole proposed revision of the rules) be dispensed with, unless there be objection; and if there be objection I ask now that the Clerk begin to read that report.

Mr. WARNER. I ask the gentleman to allow me two minutes to reply to the personal allusions of my colleague, [Mr. GARFIELD.] [Cries of "No!" "No!"]

Mr. BLACKBURN. Mr. Speaker, I protest that I would be glad to yield to the gentleman from Ohio, [Mr. WARNER,] and he knows it; but there are a dozen gentleman sitting around me who would make similar requests.

Mr. WARNER. They have not been made the object of attack by any gentleman on the other side of the House.

Mr. BLACKBURN. I yield two minutes to the gentleman from Ohio, with the distinct understanding that I do not yield the floor for any further debate.

Mr. WARNER. Then, Mr. Speaker, I wish to say in reply to my colleague that the "moral victory" he boasts of is nothing more than a tactical blunder into which he himself led or helped to lead his party. Respecting the amendment which I offered, my colleague, as the RECORD will show, said in Committee of the Whole that if I would change two words in it he would accept it and that the other side would accept it. Those words were changed in accordance with that suggestion, and my colleague did then vote for it, and I believe in good faith, but the next day he came upon the floor and voted against it.

Mr. GARFIELD. No, sir; I did not vote against it; I voted for it.

Mr. WARNER. Well, if he did not vote against it he did not vote for it, although he was in the House when the vote was called. Finally, when the amendment was offered in a different form, expressing exactly what I believed to be the position of the democratic party on that question, preventing "riders" upon appropriation bills that would cut off appropriations for legitimate objects, but at the same time allowing amendments that should reduce expenditures or withhold appropriations altogether from specific objects—in which position I understood many gentlemen on the other side of the House concurred—when that amendment came up, that side of the House having by its vote once adopted it, defeated it. They dug their own pit and fell into it, and my colleague has not succeeded this morning in extricating them from it.

[Here the hammer fell.]

Mr. GARFIELD. Of course if it embodied the opinion of the democratic party we would vote against it.

Mr. PAGE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAGE. If the demand for the previous question be voted down will the amendment offered by my friend from Michigan be in order to the third clause of the twenty-first rule?

The SPEAKER *pro tempore*. Undoubtedly.

Mr. CARLISLE. And I ask whether in that case all other amendments which gentlemen may seek to propose will not also be in order?

The SPEAKER *pro tempore*. All will be in order.

Mr. BLACKBURN. And I wish to ask another question, and it is this: Will not all other amendments which any member may see proper to offer be in order, and will not debate be unlimited on evey one of them?

The SPEAKER *pro tempore*. Every member will be entitled to an hour if he gets the floor. [Laughter.]

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROBESON. Will it not be competent for the gentleman having charge of these rules to reserve the right on a single amendment, that amendment being merely one expressive of the opinion of this side of the House on the question of political riders——

Mr. BLACKBURN. Let me ask the gentleman from New Jersey——

Mr. ROBESON. Would it not be competent for him to reserve that amendment?

Mr. RANDALL, (the Speaker.) That requires unanimous consent.

Mr. ROBESON. And to say that he will insist on it, that is, on the demand for the previous question, reserving only that one amendment?

Mr. RANDALL, (the Speaker.) That amendment was rejected by the committee, and is not before the House.

Mr. ROBESON. I ask the Chair whether it is not competent for the gentleman from Kentucky to reserve the right to put in that one amendment?

Mr. BLACKBURN. The gentleman seems fonder of asking questions than having them answered. I say to the gentleman from New Jersey that it is not competent, for it requires unanimous consent.

Mr. ROBESON. I ask the Chair——

The SPEAKER *pro tempore*. The Chair would state that the rules of the House limit the operation of the previous question. The Chair does not propose to answer any more inquiries on that subject.

Mr. ROBESON. I ask whether the gentleman refuses to do that?

Mr. RANDALL, (the Speaker.) He cannot do it.

Mr. BLACKBURN. It is not in the power of any man to do it.

I now ask that the Clerk shall report by their numbers, *seriatim*, the amendments proposed by the Committee of the Whole House on the state of the Union, and the amendments submitted by the Committee on Rules, upon all of which I will demand the previous question.

Mr. ROBESON. I rise to a parliamentary inquiry. Is it not competent for the gentleman to demand the previous question on all the rules except Rule XXI?

Mr. BLACKBURN. I answer the same question in the same words again, and hope the gentleman from New Jersey will understand it, that it is not within my power, nor is it within his, nor is it in the power of every man on this floor save one, if that one objects.

Mr. TOWNSHEND, of Illinois. It requires unanimous consent.

Mr. BLACKBURN. Yes, it requires unanimous consent. Now, we understand what the operation of the previous question would be.

Mr. ROBESON. Do I understand the gentleman to say——[Cries of "Order!"] Pardon me, one word. Do I understand the gentleman to say he can demand the previous question on all the rules except Rule XXI?

Mr. BLACKBURN. Of course the gentleman does not understand me to say so, but he does understand me to say that as long as there

is a single objection made on this floor the purpose he seeks to reach and the vote he wants to get cannot be had.

Mr. CONGER. That cannot be so.

Mr. BLACKBURN. Then I leave that point unsettled and will not have further debate. I now ask the previous question on every amendment reported from the Committee of the Whole on the state of the Union and every amendment offered by the Committee on Rules, a list of which the Clerk holds in his hands, and we are to understand that if this demand for the previous question be voted down, then the Committee on Rules have lost control of the revision of the rules, and it passes to the hands of the other side.

Mr. CONGER. As it ought to.

The SPEAKER *pro tempore*. The Chair will state the question. The gentleman from Kentucky demands the previous question on the amendments reported by the Committee of the Whole on the state of the Union and the amendments moved by the Committee on Rules, and then calls for the previous question.

Mr. CONGER. The amendments proposed by the committee must be read before the previous question can be asked. I demand that.

The SPEAKER *pro tempore*. The gentleman from Michigan is right.

Mr. CONGER. I understand some new rules have been offered, and we ought to hear them.

The SPEAKER *pro tempore*. The amendments will be reported.

Mr. BLACKBURN. Does the Chair rule the amendments must be read before the previous question is seconded?

The SPEAKER *pro tempore*. The amendments offered by the Committee on Rules cannot be pending unless they are read.

Mr. BLACKBURN. I have demanded the previous question on all the amendments.

The Clerk proceeded to read the amendments reported from the Committee of the Whole on the state of the Union.

Mr. CONGER. Mr. Speaker, I do not ask for the reading of all the amendments reported from the Committee of the Whole on the state of the Union, but only for the reading of those proposed to be offered in the House by the Committee on Rules.

Mr. BLACKBURN. The Speaker has already decided that the amendments must all be read.

The SPEAKER *pro tempore*. The Chair has made no such decision, but only that the amendments offered by the Committee on Rules to the report of the Committee of the Whole House on the state of the Union are not before the House until read at the Clerk's desk.

Mr. BLACKBURN. Very well; let us have all the amendments read, as that seems to be the object of the gentleman from Michigan.

Mr. CONGER. No; if they are read it is at the gentleman's request.

The Clerk proceeded to read the amendments *in extenso*. When the Clerk reached the amendments from the Committee on Rules,

Mr. CONGER rose and said: I make the point of order, Mr. Speaker, that the Committee on Rules have not the right to move amendments. They have no business to propose to this House any amendment to the rules whatever. They have not the bill, and have no right to make any change in it.

Mr. BLACKBURN. I propose to ask the Chair, in ruling on the point of order made by the gentleman from Michigan, whether it is not competent for me to propose, under the instructions of the Committee on Rules, while in charge of this measure, in the nature of a bill, before applying the previous question, to offer any amendment the committee may want to make to these rules?

Mr. CONGER. The point I make is this: The Committee on Rules have not the bill before them. The House has the bill in its own possession, and has not referred it back to the Committee on Rules for any purpose whatever. The House has the amendments presented by the Committee of the Whole, and the gentleman has no right now to propose amendments in the House.

Mr. BLACKBURN. Mr. Speaker, the amendments which the Clerk is about to read come from the Committee on Rules. As long as that committee has in charge this measure, and until it sees fit to ask and the House sees fit to apply the previous question, I take it to be a plain proposition it is competent for them to offer any amendments they please.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. CONGER. I ask the Chair whether the Committee of the Whole House, the largest committee, having acted upon this bill and having reported it to the House, and the bill not having been sent to any other committee whatever, by what right this Committee on the Rules more than any other now has the right to offer amendments?

Mr. BLACKBURN. By the right of the custody of the bill and by the custody of the floor.

The SPEAKER *pro tempore*. The Chair overrules the point of order made by the gentleman from Michigan. The chairman of the Committee of the Whole House would not have the right to take the charge of the bill or any pending amendment. The Chair recognizes the right of the majority of the Committee on Rules to report this bill and offer amendments before the previous question is called.

Mr. HAWLEY. Is the motion for the previous question pending?

Mr. BLACKBURN. Yes; but it has not been seconded.

The Clerk proceeded with the reading till he reached the third clause of Rule XXI.

Mr. CONGER. Mr. Speaker, the Clerk has read the first clause of paragraph 3 of this rule as if it was proposed to be stricken out. I do not understand that to be the action of the Committee of the Whole.

Mr. RANDALL, (the Speaker.) The gentleman will find that first part of this paragraph printed in italics below.

Mr. CONGER. Is it proposed to strike out the first part?

Mr. CARLISLE. The amendment proposed by the gentleman from Illinois [Mr. MORRISON] to the third clause of Rule XXI as a substitute for that clause contains the entire clause, although the first part of the amendment was identical with the rule as reported by the Committee on Rules.

Mr. CONGER. The mistake is that there are two copies of the rules printed, one of which repeats this first clause in italics and one omits it. I happen to have one of the copies which has omitted it altogether. Now, I desire to have read the amendments to this rule reported by the committee exactly as they are.

Mr. RANDALL, (the Speaker.) The Committee on Rules make no amendments to the report of the Committee of the Whole on the state of the Union.

Mr. BLACKBURN. I will state to the gentleman from Michigan that the Committee on Rules offer no amendment whatever to the third clause of the twenty-first rule as agreed upon in the Committee of the Whole. I have already stated this morning that the committee divided, two of its members being in favor of the amendment of the gentleman from Illinois, while three of them opposed it, and it is reported here precisely as it came from the Committee of the Whole House.

Mr. CONGER. Why did not the majority of the Committee on Rules report to the House an amendment if they were opposed to this amendment of the gentleman from Illinois?

Mr. RANDALL, (the Speaker.) They did not want to amend it

Mr. BLACKBURN. The gentleman from Michigan is now inquiring of a thing which it would be more appropriate for a member of the majority of the committee to answer. The gentleman from Pennsylvania and myself constituted the minority in favor of the amendment of the gentleman from Illinois which has been read here.

Mr. STEPHENS. I want to say one word in reply to the gentleman from Michigan. As a member of the Committee on Rules I understood the report was to be that the majority of the Committee on Rules was against concurring in the amendment made by the Committee of the Whole. We were opposed to that, preferring to let the rule stand just as it was originally reported by the Committee on Rules. As one I agree with the gentleman from Michigan. I am opposed to all political riders and would vote with him to strike out the latter part of the clause of Rule XXI as reported by the Committee on Rules. But can we who thus think be benefited by rejecting the report of the committee? Suppose we vote them down, will not the House be in the same condition in which it is now? Shall we lose all the good of this revision, which I think is a great deal, simply because we cannot get all we want on the twenty-first rule? I say no.

Suppose we vote down the previous question, and vote down all the work of the committee; are we any better off? Shall we gain anything? No. Hence, while I am opposed to riders, yet as I see no opportunity or probability whatever of getting any change in that respect, I am for taking the rules just as the Committee on Rules left them in order to secure all the other good there may be in the revision.

Mr. CONGER. I have not yet got an answer to the question I asked, or the parliamentary inquiry, why, if a majority of the Committee on Rules were opposed to riders, they did not propose an amendment here.

Mr. BLACKBURN. Is that a parliamentary inquiry?

The SPEAKER *pro tempore*. The Chair can only take notice of the amendments proposed here by the committee. The question of the gentleman from Michigan is not a parliamentary inquiry.

Mr. CONGER. When we are acting upon amendments proposed by that committee, I think it is a parliamentary inquiry why the committee do not propose an amendment against riders on appropriation bills if the majority of the committee be opposed to such riders.

Mr. BLACKBURN. I do not think that is a parliamentary inquiry and I reckon it is a question which the Chair is not able to answer.

The SPEAKER *pro tempore*. The Chair cannot answer the question.

The Clerk read amendment No. 39 reported by the Committee of the Whole, as follows:

39. Upon all bills or resolutions appropriating money or creating a charge or debt upon the people, the yeas and nays shall be taken on the final passage of such bills, in the House, and entered on the Journal.

And an amendment thereto proposed by the Committee on Rules:

Strike out after the word "all" the words "bills or resolutions appropriating money or creating a charge or debt upon the people," and insert "general appropriation and revenue bills and bills for the improvement of rivers and harbors."

Mr. GARFIELD. I ask that by unanimous consent the word "final" be stricken out. There is no other passage of the bill than its final passage. The use of the word is mere surplusage. The passage of the bill is its passage.

The SPEAKER *pro tempore*. The Chair hears no objection to that correction being made. The word "final" will be stricken out.

The Clerk read the amendments reported by the Committee of the Whole, numbered 40 to 55.

Mr. GARFIELD. There is a misprint in Rule XXVII which I ask

unanimous consent to have corrected. The words "which remained undetermined" should be inserted after the word "and," in the middle of the third line. They have been transposed by the printer. I ask the Clerk to make the correction, so that it will read:

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House and which remained undetermined at the close of the next preceding session, shall be in order for action, &c.

There being no objection, the correction was made.

Mr. BLACKBURN. Would it not be as well at the same time to strike out the word "next" and insert the word "last?"

Mr. GARFIELD. I think so.

There being no objection, the amendment was made.

The Clerk read the amendments reported by the Committee of the Whole, numbered 59 to 63. No. 63 was read, as follows:

Strike out clause 1 of Rule XXXII and insert as a substitute therefor the following:

"63. At the commencement of each Congress the Clerk shall place in a box prepared for that purpose a number of small balls of marble or other material equal to the number of Members and Delegates, which balls shall be separately numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page, draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on the numbered alphabetical list shall correspond with the number on the ball shall advance and choose his seat for the term for which he is elected."

To which the Committee on Rules proposed the following amendment:

After the word "Congress," in the first line of the amendment, insert the words "immediately after the Members and Delegates are sworn in." And after the word "on," in the latter part of the amendment, strike out the word "the" and insert the word "a."

Mr. BLACKBURN. The latter amendment to the amendment is necessary, because there has been no provision made for the alphabetical list up to this time.

Mr. CONGER. I suggest as a further amendment to strike out the word "separately" and insert the word "consecutively."

The SPEAKER *pro tempore*. If there be no objection, that amendment will be made.

There was no objection.

The Clerk read the amendments reported by the Committee of the Whole numbered 64 to 69.

The sixty-ninth amendment was to add to Rule XXXIV, relating to admissions to the floor, the following:

Or to present from the chair the request of any member for unanimous consent.

So that it would read:

And it shall not be in order for the Speaker to entertain a request for the suspension of this rule, or to present from the chair the request of any member for unanimous consent.

Which the Committee on Rules proposed to amend by striking out the words "or to" and inserting the word "nor."

Amendment numbered 70 was read, as follows:

In Rule XXXVII strike out "three" and insert "two;" so that it will read: "For each day a witness shall attend, the sum of $2," &c.

Mr. WHITE. Would the committee accept an amendment to provide that witnesses shall be paid for each day they are in actual attendance?

The SPEAKER *pro tempore*. The House can do that by unanimous consent. The amendment suggested by the gentleman from Pennsylvania [Mr. WHITE] will be read.

The Clerk read as follows:

Strike out of Rule XXXVII all after the words "as follows" and insert:
For each day a witness shall be in actual attendance in obedience to a regular subpœna the sum of $2, and five cents for each mile he shall travel in coming to or going from the place of examination; but nothing shall be paid for traveling when the witness has been summoned at the place of trial, and *per diem* compensation only for the time such witness shall be in actual attendance at the place of hearing.

Mr. BLACKBURN. That can be done only by unanimous consent. I have no objection to it myself.

Mr. WHITE. Then I ask unanimous consent.

The SPEAKER *pro tempore*. Is there objection to the amendment suggested by the gentleman from Pennsylvania, [Mr. WHITE?]

Mr. KEIFER. Does it prevent witnesses from receiving *per diem* compensation while coming to and going from the place of examination?

Mr. WHITE. It does not alter the rule in that respect; it only prevents the payment of witnesses who never appear.

Mr. KEIFER. I ask that the amendment be read again.

The amendment was again read.

Mr. KEIFER. If the gentleman from Pennsylvania [Mr. WHITE] will modify his amendment in one or two particulars, I would be very glad to see it adopted. The word "summoned" should not be in the amendment; a witness is always subpœnaed. And it should appear in the amendment that the witness shall receive a *per diem* compensation for the time he occupies in going to and returning from the place of examination.

Mr. WHITE. That is all right. This amendment does not interfere with the rule as it is at present. "For each day the witness shall attend;" that has received a construction which allows the witness to be paid from the time he starts to go to the place of examination.

Mr. KEIFER. This proposed rule goes further and indicates a limit.

Mr. BROWNE. To save all trouble I object to the amendment.

Mr. WHITE. All right.

The SPEAKER *pro tempore*. The amendment being objected to it is not before the House.

The seventy-first amendment was to add to Rule XXXVIII the following:

2. The Clerk of the House shall, within three days after the final adjournment of a Congress, take into his keeping all bills, joint resolutions, and other papers referred to committees, together with all evidence or testimony taken by committees under the order of the House.

The Committee on Rules recommended the following as a substitute for the entire rule:

The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence or testimony taken by such committee, under the order of the House, during the said Congress and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule, the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.

The Committee on Rules also recommended an amendment to Rule XXXIX; in the clause "and if so withdrawn therefrom" strike out the word "so."

The SPEAKER *pro tempore*. All the amendments reported from the Committee of the Whole or recommended by the Committee on Rules have been read by the Clerk.

Mr. WARNER. I suggest that there are two or three places where there needs to be a change in the number of the noun or the verb, and a few places where the punctuation should be changed. I ask unanimous consent that before these rules shall be printed the Committee on Rules may make such corrections as they may deem necessary, not to change in the least the meaning or the sense of any rule.

It is said that the Emperor Sigismund, when corrected in the use of a Latin pronoun, replied that he was emperor and above grammar; nevertheless his declaration did not make his use of the word correct or change the Latin grammar. If the majority of this House should vote that we were above grammar it would hardly change the use of the language. I think the rules are cast in excellent English, clear and terse, but I would like to have these little corrections made.

The SPEAKER *pro tempore*. The gentleman from Ohio proposes that the Committee on Rules shall be empowered to make verbal corrections.

Mr. RANDALL, (the Speaker.) That is a dangerous power, which I think should not be given.

The SPEAKER *pro tempore*. Objection is made.

Mr. GARFIELD. I ask unanimous consent that the gentleman from Wisconsin [Mr. DEUSTER] be permitted to make a personal statement. I understand that he considers that I have done him injustice in a remark which I made this morning. For my sake, that I may be set right if I have wronged him, I ask that he be allowed to make a statement.

Mr. BLACKBURN. I have no objection.

Mr. DEUSTER. I was out of my seat for a moment this morning, and I understand that while I was absent the distinguished gentleman from Ohio [Mr. GARFIELD] stated that all the members on the democratic side of the House who were opposed to riders on appropriation bills either spoke or offered an amendment during the discussion of the rules. I desire to say that I was opposed to riders and voted for all amendments to strike out that clause of the rule; but I neither offered any amendment nor spoke on the subject. And I will further say that I am proud of that vote.

Mr. DUNNELL. How was the matter left just now in giving power to the Committee on Rules to make verbal amendments?

Mr. RANDALL, (the Speaker.) That was objected to.

Mr. DUNNELL. I am very glad of it.

Mr. WARNER. Then I ask unanimous consent to have some verbal changes made.

The SPEAKER *pro tempore*. The gentleman will state them.

Mr. WARNER. In Rule VIII, the fourteenth amendment reads "provided pairs shall be announced but once during the same legislative day." The word "that" should be inserted after the word "provided." In the third clause of Rule X is this language: "unless the committee, by a majority of their number, elect a chairman." The word "their" should be changed to "its." The word "its" is properly used in other places when standing for the noun committee.

Mr. BLACKBURN. That is all right.

Mr. WARNER. In clause 45 of Rule XI it reads: "all proposed legislation or order touching printing," &c. That should be "orders." It is evidently a misprint.

Mr. BLACKBURN. That is evidently a misprint.

Mr. WARNER. In the second clause of Rule XV is this language: "including the Speaker, if there is any." It should read, "if there be any," because the subjunctive is used. And there are two or three other places where the word "be" should be substituted for the word "is." I think the Committee on Rules should be allowed to make such changes as those I have indicated.

Ths SPEAKER *pro tempore*. If there be no objection the corrections suggested by the gentleman from Ohio [Mr. WARNER] will be made.

There was no objection.

Mr. CONGER. I ask the gentleman from Kentucky to admit an amendment in paragraph 7 of Rule XI, to insert after the word "commerce," where it first occurs, the words "life-saving service and light-houses;" so as to read "commerce, life-saving service, and light-houses." These subjects now go to that committee as an adjunct of commerce; but I think the language should be made specific.

Mr. FRYE. That is right.

Mr. BLACKBURN. Oh, no. I must object unless the gentleman adds "other than appropriations."

Mr. CONGER. I assent to that modification.

Mr. BLACKBURN. Then I have no objection.

Mr. CONGER. I modify my amendment so as to insert after the word "commerce" these words: "life-saving service and light-houses other than appropriations for life-saving service and light-houses."

Mr. BLACKBURN. That is right.

There being no objection, the amendment was agreed to.

Mr. DUNNELL. I wish to inquire whether near the close of Rule XXXIV, on page 17, the word "or" has been struck out and "nor" substituted?

Mr. BLACKBURN. The words "or to" were struck out and the word "nor" substituted, so that the clause now reads:

It shall not be in order for the Speaker to entertain a request for the suspension of this rule, nor present from the chair the request of any member for unanimous consent.

Mr. FRYE. That is right.

Mr. BLACKBURN. The striking out of the two words makes it, I think, unobjectionable.

Mr. DUNNELL. I question the propriety of the change. I do not think the sentence is made any clearer by it.

Mr. RANDALL. There are two propositions. The first is that the Speaker shall not entertain a motion to suspend the rules for this purpose; the second is that he shall not even allow a request to be made for unanimous consent.

Mr. FRYE. I rather guess that we were wrong in dropping out the word "to;" I think it would be best to retain it. It is my fault that "to" was taken out; and on looking at the matter again, I think that word should be retained.

Mr. DUNNELL. The word "or" is proper, instead of "nor."

Mr. ROBINSON. I think it makes no difference whether "to" is inserted or not, because if omitted it will certainly be understood. But it seems to me right to insert "or" instead of "nor," because the sentence begins with a negative. You say it shall not be in order to do a certain thing, namely, to entertain a motion. Then by inserting "nor" in the latter part of the sentence you have a double negative, which is equivalent to an affirmative.

Mr. FRYE. I guess the gentleman from Massachusetts [Mr. ROBINSON] is right. I back clear down. [Laughter.]

Mr. ROBINSON. I think "or" is clearly right.

Mr. BLACKBURN. Very well; let the language stand as printed in the report.

Mr. HAWLEY. Will the gentleman from Kentucky allow me to call his attention to another verbal correction?

Mr. BLACKBURN. Certainly.

Mr. HAWLEY. Clause 5 of Rule XXIV, on page 14, reads now in this form:

Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, which, prevailing, the Speaker shall dispose of in the following order:

The words "the motion" should be inserted before "prevailing."

Mr. BLACKBURN. I think that is right.

Mr. HAWLEY. It will then read:

Which, the motion prevailing, the Speaker shall dispose of in the following order:

The SPEAKER *pro tempore*. The Chair hears no objection to this verbal amendment.

Mr. BLACKBURN. I now demand the previous question on all the amendments.

Mr. RANDALL, (the Speaker.) And on the report.

Mr. BLACKBURN. On all the amendments and on the report of the Committee of the Whole House.

The SPEAKER *pro tempore*. The gentleman from Kentucky demands the previous question on all the amendments and on the report.

The previous question was seconded.

Mr. GARFIELD. It is understood that a separate vote, whenever called for, may be had on any amendment?

Mr. BLACKBURN. Certainly.

The main question was ordered.

Mr. RANDALL (the Speaker) moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. In order to save time I suggest that any gentleman who desires a separate vote on any amendment indicate that amendment now, and that all the rest of the amendments be adopted in bulk.

Mr. BLACKBURN. If the gentleman from Ohio will permit, I suggest what will be a still further saving of time. I have prepared a list of amendments on which I am sure no gentleman wants a vote—immaterial amendments, embracing about half or more than half of all the amendments. Upon those we may vote without delay or separate vote or division. When that is done we will have left all of the amendments upon which any gentleman may want a separate vote and I think we can take a separate vote even to the extent of yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Kentucky proposes certain amendments by number on which he thinks no separate vote will be demanded. The Chair would like to understand whether it is the wish of the gentleman from Kentucky to take the vote on these amendments which he has named in gross.

Mr. BLACKBURN. Yes, sir; I propose to take the vote on the amendments, the numbers of which will be read by the Clerk, in gross, and then the remaining amendments can be taken up and voted on separately.

The SPEAKER *pro tempore*. The Clerk will now read the amendments by number upon which it is proposed to take a vote in gross.

The Clerk read as follows:

Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44——

Mr. ROBESON rose.

Mr. BLACKBURN. Let any be stricken off from this list to which any gentleman shall object.

Mr. ROBESON. I desire to have a vote on amendment numbered 3.

Mr. BLACKBURN. Very well; let that be stricken off the list.

Mr. ROBESON. It is the amendment which gives the Clerk the power of proceeding by force of these rules in another Congress——

Mr. RANDALL, (the Speaker.) That is the law now.

Mr. ROBESON. I know of no such law.

The SPEAKER *pro tempore*. It will be stricken off the list and a separate vote will be had on Rule III. The Clerk will proceed with the reading of the numbers of the amendments which are to be voted on in gross.

The Clerk concluded the reading, as follows:

45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 61, 62, 64, 65, 66, 67, 68, and 70.

Mr. OSCAR TURNER. I desire to inquire of the gentleman whether amendment 39 was embraced in that list?

Mr. RANDALL, (the Speaker.) It was not embraced, and there is an amendment pending to it. It is one of those which were amended by the Committee of the Whole House.

The SPEAKER *pro tempore*. And of course it is not included in this list.

Mr. RANDALL, (the Speaker.) Of course not, as a separate vote must be had upon it.

Mr. BLACKBURN. The amendments named I ask now shall be considered in gross.

The SPEAKER *pro tempore*. The Chair hears no objection.

The amendments were adopted.

Mr. BLACKBURN moved to reconsider the vote by which the amendments were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The clerk will now proceed to read the amendments, in their order, on which separate votes have been asked. He will read, in the first place, the amendment to Rule III.

The Clerk read as follows:

Strike out these words:

(3) [1. The Clerk shall, pending the election of a Speaker or Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.]

And in lieu thereof insert the following:

1. The Clerk shall, at the commencement of the first session of each Congress call the members to order, proceed to call the roll of members by States in alphabetical order, and, pending the election of a Speaker, or of a Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.

Mr. ROBESON. My objection to that amendment——

The SPEAKER *pro tempore*. Debate is not in order.

Mr. ROBESON. I should like to see what law regulates that.

Mr. RANDALL, (the Speaker.) It is nothing but the enforcement of the law.

Mr. ROBESON. I beg pardon, there is no law——

Mr. TOWNSHEND, of Illinois. I demand the regular order.

Mr. ROBESON. There is no law authorizing the Clerk of this House to preside over the next House of Representatives.

Mr. BURROWS. If there is any such law, we do not need this rule.

Mr. BLACKBURN. If we are going to debate it, let us have the hour rule.

Mr. CONGER. The amendment in what is proposed to be stricken out should be first voted on. There is an amendment in italics.

The SPEAKER *pro tempore*. What amendment is there in italics in the words proposed to be stricken out?

Mr. CONGER. Why, the words *pro tempore*.

Mr. WARNER. That is not an amendment. It is a Latin term which is usually put in italics.

The SPEAKER *pro tempore*. The motion is on striking out the words which have been read by the Clerk, and in lieu thereof inserting the words which have also been read by the Clerk.

Mr. CONGER. Let us have a division on that.

The House divided; and there were—ayes 129, noes 106.

Mr. CONGER. I demand the yeas and nays.

Mr. ROBESON. Is a parliamentary question in order pending that vote?

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. ROBESON. I desire to ask what effect this rule, if carried, would have when the next Congress comes together, if any gentleman chose——

The SPEAKER *pro tempore*. That is not a parliamentary question.

Mr. ROBESON. I wish to ask what would be the effect if any gentleman chose to rise and propose a member of the next House should preside over it, whether it would be out of order under these rules?

Mr. RANDALL, (the Speaker.) Let us answer that.

Mr. ROBESON. I ask the Speaker.

Mr. CARLISLE. This is the law now.

Mr. RANDALL, (the Speaker.) Have the law read.

Mr. ROBESON. Very well; let the law be read.

The SPEAKER *pro tempore*. The point is in the nature of argument and debate.

Mr. ROBESON. I ask whether the effect sought to be produced by the rule would be to bind the next House by these rules?

Mr. BLACKBURN. I make the point of order this debate is out of order.

The SPEAKER *pro tempore*. We have nothing to do with the effect of the law.

Mr. BLACKBURN. I rise to a point of order. The gentleman from New Jersey has no right to rise to submit any question but a parliamentary question, and this is not a parliamentary question.

Mr. ROBESON. It is not a parliamentary question to ask what the effect of a rule will be?

The SPEAKER *pro tempore*. The Chair has decided that he cannot undertake to state the effect of this rule on a future Congress.

Mr. CONGER. Can anybody else?

The SPEAKER *pro tempore*. No one can tell.

Mr. ROBESON. If there is a law covering this case—— [Cries of "Vote!" "Vote!"]

Mr. RANDALL, (the Speaker.) Yes, there is a law; and it was made by your own side.

Mr. ROBESON. I do not care by what side; there is no such law.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 144, nays 101, not voting 47; as follows:

YEAS—144.

Acklen,	Ellis,	Le Fevre,	Samford,
Aiken,	Evins,	Lewis,	Sawyer,
Armfield,	Ewing,	Lounsbery,	Scales,
Atherton,	Felton,	Lowe,	Shelley,
Atkins,	Field,	Manning,	Singleton, O. R.
Bachman,	Finley,	Martin, Benj. F.	Slemons,
Beltzhoover,	Forney,	Martin, Edward L.	Smith, Hezekiah B.
Berry,	Frye,	Martin, Joseph J.	Smith, William E.
Bicknell,	Geddes,	Mason,	Sparks,
Blackburn,	Goode,	McKenzie,	Speer,
Bland,	Gunter,	McLane,	Steele,
Bliss,	Hammond, N. J.	McMahon,	Stephens,
Bouck,	Harris, John T.	McMillin,	Stevenson,
Bright,	Hatch,	Mills,	Talbott,
Cabell,	Henry,	Morrison,	Thompson, P. B.
Caldwell,	Herbert,	Morse,	Tillman,
Carlisle,	Herndon,	Muldrow,	Townshend, R. W.
Clardy,	Hill,	Muller,	Tucker,
Clark, John B.	Hooker,	Myers,	Turner, Oscar
Clymer,	Hostetler,	New,	Turner, Thomas
Cobb,	House,	Nicholls,	Upson,
Coffroth,	Hubbell,	O'Connor,	Urner,
Colerick,	Hull,	O'Reilly,	Vance,
Converse,	Hurd,	Persons,	Waddill,
Cook,	Hutchins,	Phelps,	Warner,
Covert,	Johnston,	Philips,	Washburn,
Cox,	Jones,	Phister,	Wellborn,
Cravens,	Joyce,	Poehler,	Wells,
Culberson,	Kenna,	Reagan,	Whitthorne,
Davidson,	Kimmel,	Richardson, J. S.	Williams, Thomas
Davis, Joseph J.	King,	Richmond,	Willis,
Davis, Lowndes H.	Kitchen,	Robertson,	Wilson,
Deuster,	Klotz,	Robinson,	Wise,
Dibrell,	Knott,	Ross,	Wood, Fernando
Dickey,	Ladd,	Rothwell,	Wright,
Dunn,	Lapham,	Ryon, John W.	Young, Casey.

NAYS—101.

Aldrich, N. W.	Davis, Horace	Humphrey,	Robeson,
Aldrich, William	Deering,	Keifer,	Russell, Daniel L.
Anderson,	Dunnell,	Kelley,	Russell, W. A.
Bailey,	Dwight,	Killinger,	Ryan, Thomas
Baker,	Errett,	Loring,	Sapp,
Ballou,	Farr,	Marsh,	Shallenberger,
Barber,	Ferdon,	McCook,	Sherwin,
Bayne,	Fisher,	McGowan,	Smith, A. Herr
Bingham,	Ford,	McKinley,	Stone,
Blake,	Forsythe,	Miller,	Thomas,
Bowman,	Gillette,	Mitchell,	Thompson, W. G.
Boyd,	Godshalk,	Monroe,	Townsend, Amos
Brewer,	Hall,	Morton,	Tyler,
Briggs,	Hammond, John	Neal,	Updegraff, J. T.
Browne,	Harmer,	Newberry,	Updegraff, Thomas
Burrows,	Harris, Benj. W.	Norcross,	Valentine,
Calkins,	Haskell,	O'Neill,	Van Aernam,
Camp,	Hawk,	Orth,	Voorhis,
Cannon,	Hawley,	Osmer,	Ward,
Carpenter,	Hayes,	Overton,	Williams, C. G.
Caswell,	Hazelton,	Pacheco,	Willits,
Conger,	Heilman,	Page,	Yocum,
Cowgill,	Henderson,	Pound,	Young, Thomas L.
Crapo,	Hiscock,	Prescott,	
Daggett,	Horr,	Price,	
Davis, George R.	Houk,	Rice,	

NOT VOTING—47.

Barlow,	Crowley,	Jorgensen,	Singleton, J. W.
Beale,	De La Matyr,	Ketcham,	Springer,
Belford,	Dick,	Lindsey,	Starin,
Blount,	Einstein,	McCoid,	Taylor,
Bragg,	Elam,	Miles,	Van Voorhis,
Brigham,	Fort,	Money,	Wait,
Buckner,	Frost,	Murch,	Weaver,
Butterworth,	Garfield,	O'Brien,	White,
Chalmers,	Gibson,	Pierce,	Whiteaker,
Chittenden,	Henkle,	Reed,	Wilber,
Claflin,	Hunton,	Richardson, D. P.	Wood, Walter A.
Clark, Alvah A.	James,	Simonton,	

So the amendment was agreed to.

During the roll-call the following announcements were made:

Mr. BLOUNT. On this question I am paired with Mr. REED, of Maine.

Mr. TAYLOR. I am paired with Mr. BRIGHAM, of New Jersey.

Mr. SINGLETON, of Illinois. I am paired with Mr. MILES, of Connecticut. If he were present, I should vote "ay."

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with Mr. MCCOID, of Iowa. If Mr. SIMONTON were present, he would vote "ay."

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN.

Mr. KING. My colleague, Mr. ELAM, who is absent, sick, is paired with Mr. DICK, of Pennsylvania; and Mr. GIBSON, who is also absent from the House on account of illness, is paired with Mr. WAIT, of Connecticut.

Mr. VAN AERNAM. I am paired with Mr. CHALMERS.

Mr. CHITTENDEN. I am paired with Mr. BUCKNER.

Mr. STONE. Mr. MONEY is absent by reason of illness. He is paired with Mr. STARIN.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. HARMER. Mr. FORT, of Illinois, is paired with Mr. O'BRIEN, of New York.

Mr. CALKINS. Mr. BELFORD is paired with Mr. SPRINGER.

On motion of Mr. BURROWS, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was then agreed to.

The Clerk read as follows:

After the word "Commerce," where it first occurs in clause 7, of Rule XI, it is proposed to insert "And the Committee on Commerce shall have the same privileges in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills;" so that, if amended, the clause will read as follows:

"7. To Commerce: Life-Saving Service and light-houses other than appropriations for Life-Saving Service and light-houses to the Committee on Commerce. And the Committee on Commerce shall have the same privileges in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills."

The amendment was agreed to.

Mr. REAGAN moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read as follows:

After the word "agriculture," in clause 8, it is proposed to insert "and forestry," and also to add to the clause the words "who shall receive the estimates and report the appropriation for the Agricultural Department;" so that, if amended, it will read as follows:

"8. To agriculture and forestry: to the Committee on Agriculture, who shall receive the estimates and report the appropriations for the Agricultural Department."

Mr. BLACKBURN. In the Committee of the Whole House there were two amendments to that clause of this rule. The first amendment consisted of the insertion of the words "and forestry," and the second amendment consisted of the additional clause, which reads, "and shall receive the estimates and report appropriations for the Agricultural Department." Upon that second amendment the Committee on Rules have instructed me to report to the House, which they have done, in their amendment, a disagreement, and upon that second amendment we want to vote. There is no objection to the first amendment.

The SPEAKER *pro tempore*. The first amendment has already been adopted. The only question now before the House is on the second amendment read. The question is on agreeing to the amendment reported by the Committee of the Whole, numbered 20, which the Clerk will again read.

The amendment was again read.

The question being put, there were—ayes 63, noes 99.

Mr. AIKEN and Mr. HATCH called for the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor—more than one-fifth of the last vote.

Mr. AIKEN. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. AIKEN. I desire to know if the remark made by the Speaker of the House in Committee of the Whole when upon the floor of the House can be taken as coming *ex cathedrâ*.

The SPEAKER *pro tempore*. The Chair cannot recognize that as a parliamentary inquiry.

Mr. AIKEN. Has the Speaker of the House, in Committee of the

Whole, while he is upon the floor, the right to make assertions which cannot be substantiated by the record?

Mr. RANDALL, (the Speaker.) Perhaps the Chair will permit the Speaker to answer that question. He affirms all that he said in Committee of the Whole, and preposes to establish it by the record.

Mr. AIKEN. Then I ask unanimous consent of the House to reply to two or three remarks the Speaker made while he was upon the floor in Committee of the Whole.

Mr. HAZELTON. Consent is given. [Cries of "Regular order!"]

Mr. AIKEN. Why? Are you afraid of the grangers. [Laughter.] I simply desire a minute. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from South Carolina is out of order.

Mr. AIKEN. I ask unanimous consent to be heard.

The SPEAKER *pro tempore*. The gentleman from South Carolina propounded a parliamentary inquiry to the Chair. It was answered. He now asks unanimous consent of the House to answer something that was said in Committee of the Whole.

Mr. CONGER. As a question of privilege, I understand.

The SPEAKER *pro tempore*. The Chair will submit the question to the House. The gentleman from South Carolina asks unanimous consent to answer something said in Committee of the Whole. Is there objection?

Mr. CARLISLE. I want to know if the gentleman from South Carolina proposes to discuss the amendment now before the House. If he does, I shall object unless the same privilege is allowed to other gentlemen.

Mr. BLOUNT. I object absolutely.

Mr. AIKEN. I do not propose to discuss the amendment, but wish to be put right on the record.

The SPEAKER *pro tempore*. Objection is made.

Mr. AIKEN. I see no one rising to object.

Mr. BLOUNT, (rising.) I object.

Mr. AIKEN. Why cannot you give me an opportunity? [Cries of "Regular order!"] I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The yeas and nays have been ordered on the pending amendment, and the Clerk will proceed to call the roll.

Mr. RANDALL, (the Speaker.) I ask the gentleman from Georgia [Mr. BLOUNT] to withdraw his objection. I am quite ready to hear what the gentleman from South Carolina has to say, and to answer him if I can.

Mr. BLACKBURN. If this means to open up a debate——

Mr. HAZLETON. It does.

Mr. BLACKBURN. If this means to open up a debate, as the question is not debatable, I must object myself.

Mr. BLOUNT. I have not withdrawn my objection, and do not intend to.

The SPEAKER *pro tempore*. Objection is made. The Clerk will call the roll.

The question was taken; and there were—yeas 133, nays 102, not voting 57; as follows:

YEAS—133.

Aiken,	Deering,	Kitchin,	Shallenberger,
Aldrich, William	Dunn,	Ladd,	Slemons,
Anderson,	Ellis,	Le Fevre,	Smith, Hezekiah B.
Barber,	Evins,	Loring,	Speer,
Bayne,	Ewing,	Lowe,	Steele,
Beale,	Farr,	Manning,	Stevenson,
Beltzhoover,	Felton,	Marsh.	Talbott,
Bingham,	Finley,	Martin, Benj. F.	Thomas,
Blake,	Fisher,	McGowan,	Thompson, P. B.
Bland,	Ford,	McKenzie,	Tillman,
Bliss,	Forsythe,	Mills,	Turner, Thomas
Bowman,	Geddes,	Morrison,	Updegraff, J. T.
Boyd,	Gillette,	Muldrow,	Updegraff, Thomas
Briggs,	Godshalk,	Murch,	Upson,
Browne,	Hall,	Myers,	Urner,
Burrows,	Harmer,	Neal,	Valentine,
Cabell,	Harris, Benj. W.	Newberry,	Van Aernam,
Caldwell,	Harris, John T.	Norcross,	Vance,
Calkins,	Hatch.	O'Connor,	Voorhis,
Carpenter,	Hawk,	O'Reilly,	Waddill,
Caswell,	Hayes,	Orth,	Ward,
Claflin,	Hazelton,	Osmer,	Weaver,
Clardy,	Heilman,	Overton,	Wellborn,
Clark, John B.	Henkle,	Page,	White,
Coffroth,	Hooker,	Persons,	Williams, Thomas
Colerick,	Hostetler,	Phelps,	Willits,
Conger,	Houk,	Philips,	Wilson,
Cook,	Hull,	Phister,	Wise,
Cowgill,	Humphrey,	Richardson, J. S.	Yocum,
Cravens,	Johnston,	Richmond,	Young, Casey
Culbertson,	Jones,	Rothwell,	Young, Thomas L.
Davidson,	Keifer,	Russell, Daniel L.	
Davis, Joseph J.	Kenna,	Samford,	
Davis, Lowndes H.	King,	Sawyer,	

NAYS—102.

Acklen,	Blackburn,	Covert,	Errett,
Aldrich, N. W.	Blount,	Cox,	Ferdon,
Armfield,	Brewer,	Crapo,	Field,
Atherton,	Bright,	Daggett,	Forney,
Atkins,	Camp,	Davis, George R.	Frye,
Bachman,	Cannon,	Davis, Horace	Garfield,
Bailey,	Carlisle,	Deuster,	Goode,
Baker,	Clymer,	Dibrell,	Gunter,
Ballou,	Cobb,	Dunnell,	Hammond, John
Bicknell,	Converse,	Dwight,	Hammond, N. J.
Haskell,	Klotz,	New,	Smith, A. Herr
Hawley,	Knott,	Nichols,	Smith, William E.
Henderson,	Lapham,	O'Neill,	Sparks,
Henry,	Lewis,	Pacheco,	Stephens,
Herbert,	Lounsbery,	Prescott,	Stone,
Herndon,	Martin, Edward L.	Price,	Townshend, R. W.
Hiscock,	Martin, Joseph J.	Reagan,	Tucker,
Horr,	Mason,	Rice,	Turner, Oscar
House,	McLane,	Robinson,	Tyler,
Hubbell,	McMahon,	Ross,	Warner,
Hutchins,	McMillin,	Ryan, Thomas	Washburn,
Joyce,	Mitchell,	Ryon, John W.	Wells,
Kelley,	Monroe,	Scales,	Whitthorne,
Ketcham,	Morse,	Shelley,	Wood, Fernando.
Killinger,	Morton,	Sherwin,	
Kimmel,	Muller,	Singleton, O. R.	

NOT VOTING—57.

Barlow,	Einstein,	Miller,	Starin,
Belford,	Elam,	Money,	Taylor,
Berry,	Fort,	O'Brien,	Thompson, Wm. G.
Bouck,	Frost,	Pierce,	Townsend, Amos
Bragg,	Gibson,	Poehler,	Van Voorhis,
Brigham,	Hill,	Pound,	Wait,
Buckner,	Hunton,	Reed,	Whiteaker,
Butterworth,	Hurd,	Richardson, D. P.	Wilber,
Chalmers,	James,	Robertson,	Williams, C. G.
Chittenden,	Jorgensen,	Robeson,	Willis,
Clark, Alvah A.	Lindsey,	Russell, W. A.	Wood, Walter A.
Crowley,	McCoid,	Sapp,	Wright.
De La Matyr,	McCook,	Simonton,	
Dick,	McKinley,	Singleton, J. W.	
Dickey,	Miles,	Springer,	

So the amendment was agreed to.

During the call of the roll the following announcements were made:

Mr. HUNTON. On this and all other questions coming up to-day I am paired with Mr. WHITE, of Pennsylvania.

Mr. TAYLOR. I am paired with Mr. BRIGHAM, of New Jersey.

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with Mr. MCCOID, of Iowa.

Mr. CALKINS. I desire to announce that Mr. BELFORD, of Colorado, is paired with Mr. SPRINGER, of Illinois. I do not know how either would vote if present.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. DAVIS, of North Carolina. I am paired with Mr. THOMPSON, of Iowa. Being advised by his friends that if present he would vote in the affirmative, I vote in the affirmative.

Mr. PRICE. My colleague, Mr. SAPP, is paired with Mr. BERRY, of California.

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is absent by leave of the House, and is paired with Mr. VAN VOORHIS, of New York.

The result of the vote was then announced as above stated.

Mr. AIKEN and Mr. HATCH moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE. I ask leave to have my vote recorded upon the question just voted on.

There was no objection.

Mr. WHITE. I vote in the affirmative.

The next amendment reported from the Committee of the Whole upon which a separate vote had been demanded was amendment No. 21, in clause 19 of Rule XI: to strike out the words "other than" and to insert in lieu thereof the word "including;" so that the clause would read as follows:

19. To the public buildings and occupied or improved grounds of the United States, including appropriations therefor: to the Committee on Public Buildings and Grounds.

Mr. BLACKBURN. In order to save time I will call now for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 136, not voting 55; as follows:

YEAS—101.

Aiken,	Ellis,	Kelley,	Samford,
Aldrich, N. W.	Errett,	Kenna,	Sawyer,
Aldrich, William	Evins,	King,	Shallenberger,
Anderson,	Farr,	Kitchin,	Singleton, J. W.
Atherton,	Field,	Loring,	Slemons,
Barber,	Finley,	Lowe,	Thomas,
Bayne,	Fisher,	Manning,	Tillman,
Bingham,	Ford,	McKenzie,	Townsend, Amos
Blake,	Forsythe,	Mills,	Turner, Oscar
Bliss,	Gillette,	Morrison,	Updegraff, J. T.
Bowman,	Godshalk,	Muller,	Upson,
Boyd,	Hall,	Murch,	Urner,
Briggs,	Harmer,	Neal,	Valentine,
Browne,	Harris, Benj. W.	Newberry,	Van Aernam,
Burrows,	Hatch,	Norcross,	Vance,
Calkins,	Hawk,	O'Connor,	Voorhis,
Carpenter,	Heilman,	O'Reilly,	Washburn,
Claflin,	Henkle,	Orth,	Weaver,
Coffroth,	Hooker,	Page,	Wellborn,
Conger,	Houk,	Philips,	White,
Converse,	Hull,	Phister,	Wilson,
Cook,	Humphrey,	Reagan,	Yocum,
Culberson,	Hurd,	Rice,	Young, Casey
Davidson,	Johnston,	Richardson, J. S.	
Deering,	Jones,	Robertson,	
Dunn,	Keifer,	Russell, Daniel L.	

NAYS—136.

Acklen,	Dibrell,	Ladd,	Ross,
Armfield,	Dickey,	Lapham,	Rothwell,
Atkins,	Dunnell,	Le Fevre,	Russell, W. A.
Bailey,	Dwight,	Lewis,	Ryan, Thomas
Baker,	Ewing,	Lindsey,	Ryon, John W.
Ballou,	Felton,	Lounsbery,	Scales,
Beale,	Ferdon,	Marsh,	Shelley,
Beltzhoover,	Forney,	Martin, Benj. F.	Sherwin,
Bicknell,	Frye,	Martin, Joseph J.	Singleton, O. R.
Blackburn,	Garfield,	Mason,	Smith, A. Herr
Bland,	Geddes,	McCook,	Smith, Hezekiah B.
Blout,	Goode,	McGowan,	Smith, William E.
Brewer,	Gunter,	McLane,	Sparks,
Bright,	Hammond, N. J.	McMahon,	Speer,
Caldwell,	Harris, John T.	McMillin,	Steele,
Camp,	Hawley,	Monroe,	Stevens,
Cannon,	Hayes,	Morse,	Stevenson,
Carlisle,	Hazleton,	Morton,	Talbott,
Caswell,	Henderson,	Muldrow,	Thompson, P. B.
Clardy,	Henry,	Myers,	Townshend, R. W.
Clark, John B.	Herbert,	New,	Tucker,
Clymer,	Herndon,	Nicholls,	Turner, Thomas
Cobb,	Hill,	O'Neill,	Tyler,
Colerick.	Hiscock,	Osmer,	Updegraff, Thomas
Covert,	Horr,	Overton,	Waddill,
Cowgill,	Hostetler,	Pacheco,	Ward,
Cox,	House,	Persons,	Warner,
Crapo,	Hubbell,	Phelps,	Whitthorne,
Cravens,	Hunton,	Poehler,	Williams, C. G.
Crowley,	Hutchins,	Prescott,	Williams, Thomas
Davis, George R.	Joyce,	Price,	Willis,
Davis, Horace,	Killinger,	Richmond,	Willits,
Davis, Lowndes H.	Klotz,	Robeson,	Wise,
Deuster,	Knott,	Robinson,	Wood, Fernando.

NOT VOTING—55.

Bachman,	Davis, Joseph J.	Martin, Edward L.	Springer,
Barlow,	De La Matyr,	McCoid,	Starin,
Belford,	Dick,	McKinley,	Stone,
Berry,	Einstein,	Miles,	Taylor,
Bouck,	Elam,	Miller,	Thompson, W. G.
Bragg,	Fort,	Mitchell,	Van Voorhis,
Brigham,	Frost,	Money,	Wait,
Buckner,	Gibson,	O'Brien,	Wells,
Butterworth,	Hammond, John	Pierce,	Whiteaker,
Cabell,	Haskell,	Pound,	Wilber,
Chalmers,	James,	Reed,	Wood, Walter A.
Chittenden,	Jorgensen,	Richardson, D. P.	Wright,
Clark, Alvah A.	Ketcham,	Sapp,	Young, Thomas L.
Daggett,	Kimmel,	Simonton,	

So the amendment was not agreed to.

During the call of the roll the following announcements were made:

Mr. DAVIS, of North Carolina. I am paired with Mr. THOMPSON, of Iowa.

Mr. BOUCK. I am pared with Mr. MCKINLEY, of Ohio.

Mr. WAIT. I am paired with Mr. GIBSON, of Louisiana.

Mr. VAN VOORHIS. I am paired with Mr. CHALMERS, of Mississippi.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. SAPP. I am paired with Mr. BERRY, of California. If he were here I should vote "ay."

Mr. CALKINS. I desire to announce that Mr. BELFORD, of Colorado, is paired with Mr. SPRINGER, of Illinois. I do not know how either would vote if present.

Mr. STEPHENS. I was not present during the call of the roll. I ask permission to vote.

There was no objection.

Mr. STEPHENS voted in the negative.

Mr. BAYNE. I ask leave to vote.

There was no objection.

Mr. BAYNE voted in the affirmative.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment upon which a separate vote had been demanded was read, as follows:

Strike out clause 1 of Rule XXI, as follows:

Bills and joint resolutions introduced for reference and those reported by committees without such introduction, shall be read a first time by their titles and printed, the second time in full, the third time by their titles, unless the reading in full shall be demanded by a member.

And insert the following:

Every bill and joint resolution shall receive three readings before its passage, which shall be as follows, namely: the first reading by its title on its introduction for reference, or, being an original bill, on its report from a committee for commitment, or by unanimous consent for present action; the second reading in full, and the third reading by its title, unless the reading in full shall be demanded by a member.

Mr. CONGER. I observe that the clause which this amendment proposes to strike out provided that bills should be "read a first time by their titles and printed." In the proposed substitute there is no requirement that bills shall be printed. I ask whether this omission is intentional or accidental?

Mr. BLACKBURN. The Committee on Rules had no purpose to dispense with the printing of bills at all, but if the gentleman will look at a subsequent portion of the revision, under the heading "order of business," he will find a requirement that all bills shall be printed.

Mr. CONGER. What rule does the gentleman refer to?

Mr. BLACKBURN. Rule XXIV.

Mr. HAWLEY. The second paragraph of the rule.

Mr. CONGER. That paragraph refers only to printing reports of committees.

Mr. BLACKBURN. The gentleman is right.

Mr. FRYE. I think the provision for printing has been left out by mistake.

Mr. BLACKBURN. The Committee on Rules had no intention to dispense with the printing of bills. The only question is whether an amendment to cover this omission will best come in here or in the italicized clause of Rule XXIV on page 14.

Mr. CONGER. If the provision for printing has been omitted by mistake let it be inserted.

Mr. BLACKBURN. There will be no objection, I think.

Mr. CONGER. I think the words "and printed" should be inserted in the pending amendment after the words "by unanimous consent for present action," which close up the clause in reference to the introduction of bills.

Mr. RANDALL, (the Speaker.) When bills are introduced by unanimous consent for action they are generally in manuscript; the insertion would not be appropriate at that point.

Mr. CONGER. Then let the words "and printing" be inserted after these words: "the first reading by title on its introduction for reference."

Mr. RANDALL (the Speaker) and Mr. BLACKBURN. That is right.

The SPEAKER *pro tempore*. The Chair would call attention to the fact that the Committee on Rules has reported a substitute for the amendment just read.

Mr. BLACKBURN. Yes, sir; I had failed to remember that. I ask the Clerk to read the substitute.

The Clerk read as follows:

Strike out clause 1 of Rule XXI, and the substitute therefor adopted in Committee of the Whole, and insert the following:

Every bill and joint resolution shall receive three readings before its passage, which shall be as follows: the first and second readings by title on introduction for reference, or being original bills on report from committees for commitment, except when the second reading in full shall be demanded by a member: *Provided*, That original bills on being reported by unanimous consent for present consideration shall be read the first time in full; the second and third time by title, unless the third reading in full shall be demanded by a member.

Mr. BLACKBURN. Now let me suggest to the gentleman from Michigan to turn to the italicized clause of Rule XXIV, on page 14. If when we reach that clause the gentleman will move to insert before the word "reference," in the fourth line, the words "printing and," so as to make it read "bills and joint resolutions for printing and reference," I think that will answer the purpose better than to amend the pending substitute which treats only of the reading of bills. The clause of Rule XXIV refers to their regular disposition.

Mr. CONGER. I have no objection to the gentleman's suggestion.

Mr. WARNER. It occurs to me that the phrase "or being original bills" does not agree grammatically with the beginning of the sentence where the language is "every bill and joint resolution."

The substitute proposed by the Committee on Rules for the amendment of the Committee of the Whole was adopted.

The amendment of the Committee of the Whole, as amended by the adoption of the substitute, was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote had been demanded was read, as follows:

In Rule XXI strike out clause 3, as follows:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures."

And insert the following:

No appropriation bill shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. GARFIELD. Let us have the yeas and nays on this amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 119, nays 113, not voting 60; as follows:

YEAS—119.

Acklen,	Dickey,	Lounsbery,	Scales,
Aiken,	Dunn,	Martin, Benj. F.	Shelley,
Armfield,	Ellis,	Martin, Edward L.	Singleton, Otho R.
Atherton,	Evins,	McKenzie,	Slemons,
Atkins,	Finley,	McLane,	Smith, Hezekiah B.
Bachman,	Forney,	McMahon,	Smith, William E.
Beltzhoover,	Geddes,	McMillin,	Sparks,
Bicknell,	Gunter,	Mills,	Steele,
Blackburn,	Hammond, N. J.	Morrison,	Stevenson,
Bland,	Harris, John T.	Muldrow,	Talbott,
Bliss,	Hatch,	Muller,	Thompson, P. B.
Bright,	Henkle,	Myers,	Tillman,
Cabell,	Henry,	New,	Townshend, R. W.
Caldwell,	Herbert,	Nicholls,	Tucker,
Carlisle,	Herndon,	O'Connor,	Turner, Oscar
Clardy,	Hill,	O'Reilly,	Turner, Thomas
Clark, John B.	Hostetler,	Persons,	Upson,
Clymer,	House,	Phelps,	Vance,
Cobb,	Hull,	Phillips,	Waddill,
Coffroth,	Hurd,	Phister,	Wellborn,
Colerick,	Hutchins,	Poehler,	Wells,
Converse,	Johnston,	Reagan,	Whitthorne,
Cook,	Kenna,	Richardson, J. S.	Williams, Thomas
Covert,	King,	Richmond,	Willis,
Cox,	Kitchin,	Robertson,	Wilson,
Cravens,	Klotz,	Ross,	Wise,
Culberson,	Knott,	Rothwell,	Wood, Fernando
Davidson,	Ladd,	Ryon, John W.	Wright,
Davis, Lowndes H.	Le Fevre,	Samford,	Young, Casey.
Dibrell,	Lewis,	Sawyer,	

NAYS—113.

Aldrich, N. W.	Dwight,	Keifer,	Robeson,
Aldrich, William	Errett,	Kelley	Robinson,
Anderson,	Farr,	Ketcham,	Russell, W. A.
Bailey,	Felton,	Killinger,	Shallenberger,
Baker,	Ferdon,	Lapham,	Sherwin,
Ballou,	Field,	Lindsey,	Smith, A. Herr
Barber,	Fisher,	Lowe,	Speer,
Bayne,	Ford,	Martin, Joseph J.	Stephens,
Bingham,	Forsythe,	Mason,	Stone,
Blake,	Frye,	McCook,	Thomas,
Bowman,	Garfield,	McGowan,	Tyler,
Boyd,	Gillette,	Miller,	Updegraff, T. J.
Brewer,	Godshalk,	Mitchell,	Updegraff, Thomas
Briggs,	Hall,	Monroe,	Urner,
Burrows,	Hammond, John	Morse,	Valentine,
Calkins,	Harris, Benj. W.	Morton,	Van Aernam,
Camp,	Haskell,	Murch,	Voorhis,
Cannon,	Hawk,	Newberry,	Ward,
Carpenter,	Hawley,	Norcross,	Warner,
Caswell,	Hayes,	O'Neill,	Washburn,
Claflin,	Hazelton,	Orth,	Weaver,
Conger,	Heilman,	Osmer,	White,
Cowgill,	Henderson,	Overton,	Williams, C. G.
Crapo,	Hiscock,	Pacheco,	Willits,
Davis, George R.	Horr,	Page,	Yocum,
Davis, Horace	Houk,	Pound,	Young, Thomas L.
Deering,	Humphrey,	Prescott,	
Deuster,	Jones,	Price,	
Dunnell,	Joyce,	Rice,	

NOT VOTING—60.

Barlow,	Daggett,	James,	Russell, Daniel L.
Beale,	Davis, Joseph J.	Jorgensen,	Ryan, Thomas
Belford,	De La Matyr,	Kimmel,	Sapp,
Berry,	Dick,	Loring,	Simonton,
Blount,	Einstein,	Manning,	Singleton, Jas. W.
Bouck,	Elam,	Marsh,	Springer,
Bragg,	Ewing,	McCoid,	Starin,
Brigham,	Fort,	McKinley,	Taylor,
Browne,	Frost,	Miles,	Thompson, Wm. G.
Buckner,	Gibson,	Money,	Townsend, Amos
Butterworth,	Goode,	Neal,	Van Voorhis,
Chalmers,	Harmer,	O'Brien,	Wait,
Chittenden,	Hooker,	Pierce,	Whiteaker,
Clark, Alvah A.	Hubbell,	Reed,	Wilber,
Crowley,	Hunton,	Richardson, D. P.	Wood, Walter A.

So the amendment was concurred in.

During the roll-call the following announcements were made:

Mr. BLOUNT. I am paired with Mr. REED, of Maine.

Mr. HUNTON. I am paired with Mr. BROWNE, of Indiana. If he were here, I should vote "ay."

Mr. HOOKER. On this question I am paired with Mr. LORING, of Massachusetts. If he were present, I should vote "ay."

Mr. SINGLETON, of Illinois. I am paired with Mr. MILES, of Connecticut, on this amendment and on all political questions.

Mr. DAVIS, of North Carolina. I am paired with Mr. THOMPSON, of Iowa. If he were here, I should vote "ay."

Mr. TAYLOR. I am paired with Mr. BRIGHAM, of New Jersey, on all questions.

Mr. KING. My colleague, Mr. GIBSON, who is absent by reason of illness, is paired with Mr. WAIT, of Connecticut. If present, Mr. GIBSON would vote in the affirmative and Mr. WAIT in the negative.

Mr. DIBRELL. Mr. SIMONTON is paired with Mr. MCCOID, of Iowa.

Mr. STONE. Mr. MONEY is paired with Mr. STARIN.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. CALKINS. Mr. BELFORD is paired with Mr. SPRINGER, of Illinois.

Mr. SAPP. I am paired with Mr. BERRY, of California. If he were present, I should vote in the negative.

Mr. HARMER. I am paired with Mr. GOODE, of Virginia.

Mr. DUNNELL. Mr. RYAN, of Kansas, is paired with Mr. MANNING, of Mississippi.

Mr. CHITTENDEN. I am paired with Mr. BUCKNER.

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio. If he were here, I should vote "ay."

And then, on motion of Mr. HUNTON, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

Thirty-ninth amendment. Insert as an additional clause to Rule XXI the following:

6. Upon all bills or resolutions appropriating money or creating a charge or debt upon the people the yeas and nays shall be taken on the final passage of such bills in the House, and entered on the Journal.

The substitute proposed by the Committee on Rules was then read, as follows:

Upon all general appropriation and revenue bills and bills for the improvement of rivers and harbors the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

Mr. OSCAR TURNER. I rise to a parliamentary inquiry. Is it in order to move a substitute for that amendment, as follows:

That upon all bills or resolutions appropriating over $10,000 the yeas and nays shall be taken on the final passage.

Will it be in order to offer that as an amendment?

The SPEAKER *pro tempore*. Not at this stage of the proceedings.

Mr. OSCAR TURNER. The point I make is this: as an amendment has been submitted by the Committee on Rules, would it not be in order for us to amend that or to adopt a substitute for it?

Mr. RANDALL, (the Speaker.) The previous question is pending.

Mr. OSCAR TURNER. I ask the unanimous consent of the House to offer it.

Mr. PAGE. I object.

The SPEAKER *pro tempore*. The question is on the adoption of the following substitute proposed by the Committee on Rules.

Mr. CONGER. I make the point that the amendment of the Committee on Rules was not read to the House.

The SPEAKER *pro tempore*. The Chair overrules that point of order.

Mr. CONGER. That is a question of fact.

The House divided; and the substitute proposed by the Committee on Rules was agreed to.

The question recurred on the adoption of the amendment of the Committee of the Whole on the state of the Union as it was amended.

Mr. BLACKBURN. What became of the request of my colleague from Kentucky?

The SPEAKER *pro tempore*. There was objection to the introduction of his substitute.

Mr. WHITE. But how did this amendment come in?

Mr. BLACKBURN. It was reported by the Committee on Rules and it has been adopted by this House.

The amendment of the Committee of the Whole on the state of the Union, as amended, was adopted.

Mr. BLACKBURN moved to reconsider the vote by which the amendment, as amended, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

Fifty-fourth amendment. Strike out the words "to consider, first, bills raising revenue and general appropriation bills and then other business on the Calendar;" so the rule will read:

"First. That the House resolve itself into the Committee of the Whole House on the state of the Union."

Mr. RANDALL, (the Speaker.) The Committee on Rules have recommended that the words stricken out in the Committee of the Whole House on the state of the Union shall be retained. The way to reach that recommendation will be by a negative vote; that is to vote down the amendment agreed to in committee.

Mr. CALKINS. I do not understand the amendment of the Committee of the Whole House as it was read from the Clerk's desk.

Mr. FRYE. The clause of this rule as amended in the Committee of the Whole House on the state of the Union would make no sense at all, and the recommendation of the Committee on Rules is simply in favor of the retention of the words proposed to be stricken out.

Mr. BLACKBURN. That is the recommendation of the Committee on Rules, and a negative vote on concurrence in the amendment of the Committee of the Whole House on the state of the Union will comply with the recommendation of the Committee on Rules.

The amendment was disagreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

Sixtieth amendment. Rule XXVIII, insert the following:

4. No motion to suspend the rules and pass a public bill shall be entertained

unless the bill shall have been referred to a committee, printed, and distributed to the members at least one legislative day before the motion for suspension is made.

Mr. BLACKBURN. The Committee on Rules recommend non-concurrence in that amendment.

The amendment was disagreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. Before we proceed further I desire to call the attention of the Speaker of the House to the last part of Rule XXVI—"unless otherwise determined by a two-thirds vote of the members present and voting." I ask whether the construction would be that that would do away with any question of a quorum not being present?

Mr. RANDALL, (the Speaker.) Any member can raise the question of a quorum just as at present.

Mr. BLACKBURN. That is not in the amendment of the Committee on Rules, but is an amendment moved by the gentleman from Minnesota [Mr. DUNNELL.]

Mr. CONGER. As it stands this would seem to indicate that a less number than a quorum, two-thirds voting in favor of the proposition, could accomplish the result.

Mr. BLACKBURN. It is in the power of any member to raise the question whether a quorum has voted or not.

Mr. CONGER. It seems to me it depends entirely on the construction which may be given to this rule by the Speaker.

Mr. RANDALL, (the Speaker.) Of course the question being raised there is no House if there is no quorum. The question of a quorum is settled by the Constitution of the United States, and the gentleman need be under no misapprehension in regard to the construction of this rule.

The SPEAKER *pro tempore*. There is no question before the House. The Clerk will read the next amendment on which a separate vote has been asked.

The Clerk read as follows:

Sixty-third amendment. In Rule XXXII insert the following:

At the commencement of each Congress, the Clerk shall place in a box, prepared for that purpose, a number of small balls of marble or other material equal to the number of Members and Delegates, which balls shall be separately numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page, draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on the numbered alphabetical list shall correspond with the number on the ball, shall advance and choose his seat for the term for which he is elected.

Mr. BLACKBURN. The Committee on Rules have offered an amendment to that.

The Clerk read as follows:

After the word "Congress," in line 1, insert the following: "immediately after the Members and Delegates are sworn in."

Also strike out "separately" and insert in lieu thereof "consecutively;" also strike out the word "the" before "numbered" and insert "a."

The amendments to the amendment were agreed to, and the amendment of the Committee of the Whole House as amended was concurred in.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read amendment No. 71, to add to Rule XXXVIII as a second clause the following:

2. The Clerk of the House shall, within three days after the final adjournment of a Congress, take into his keeping all bills, joint resolutions, and other papers referred to committees, together with all evidence or testimony taken by committees under the order of the House.

For which the Committee on Rules proposed the following substitute:

2. The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress, and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule, the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.

The amendment of the Committee on Rules was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the amendment proposed by the Committee on Rules to Rule IV, clause 1.

The Clerk read as follows:

Strike out the words "in person" after the word "attend;" so that it will read:

"1. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker *pro tempore*, under the direction of the Clerk; execute the commands of the House and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of Members and Delegates and pay them as provided by law."

The amendment was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The Clerk read the amendment proposed by the Committee on Rules to clause 7, Rule XIV, as follows:

Strike out the word "is," before the word "charged," and insert "and Doorkeeper are;" so that the clause will read:

"And the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause."

Mr. RANDALL, (the Speaker.) That relates to smoking on the floor.

Mr. BLACKBURN. And the amendment charges the Doorkeeper as well as the Sergeant-at-Arms with the enforcement of the rule.

Mr. RANDALL, (the Speaker.) We want everybody we can called into the service to prevent smoking in the seats.

The amendment was agreed to.

The Clerk read the following amendment proposed by the Committee on Rules to clause 9 of Rule XI:

After the word "nations" insert the words "other than appropriations;" so that it will read:

"9. To the relations of the United States with foreign nations other than appropriations: to the Committee on Foreign Affairs."

Mr. BLACKBURN. The leaving out of those words was simply a mistake. They are incorporated in all the other provisions.

The amendment was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The Clerk read the following amendment proposed by the Committee on Rules to clause 14 of Rule XI:

After the word "tribes" insert "other than appropriations;" so that it will read:

"To the relations of the United States with the Indians and the Indian tribes, other than appropriations: to the Committee on Indian Affairs."

Mr. BLACKBURN. The same explanation applies to this as to the former amendment.

The amendment was agreed to.

Mr. HOUSE. I now ask, as I understand we are through with all the amendments, unanimous consent to offer the amendment which I had read at the Clerk's desk for information this morning.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee?

Mr. FRYE and others objected.

Mr. GARFIELD. I desire to make a suggestion as to the time when the new rules shall come into operation.

Mr. RANDALL, (the Speaker.) Let that be done after the final vote.

Mr. GARFIELD. I think it should be made before the final vote. We cannot have these rules adopted so as to take effect to-morrow morning. The old *régime* and the new cannot jump together at the instant; and I have written a resolution on which I think it would be better to take action now than later. I will read it for the information of the House:

Resolved, That the foregoing rules shall be a substitute for all existing rules, and take effect at noon on Monday next, at which time the Speaker shall present to the House the calendars herein provided for, which shall contain all the measures now pending before the House or the Committee of the Whole in their proper order according to these rules: *Provided*, That in carrying these rules into effect the Speaker shall not be required to increase or diminish the numbers of any standing committees during the present Congress.

Mr. RANDALL, (the Speaker.) Or to vacate any of the committees.

The SPEAKER *pro tempore*. There are still some amendments pending on which action has not been taken.

Mr. GARFIELD. I have called attention to this resolution which I desire to offer, as there is danger we will break up as soon as the final vote is taken.

Mr. RANDALL, (the Speaker.) I would suggest also that it be provided as to existing special orders that they shall be continued.

Mr. GARFIELD. I do not think that is necessary. The Speaker will submit a calendar, subject to the correction of the House, and the existing special orders would be on that calendar.

Mr. RANDALL, (the Speaker.) The Chair would, no doubt, hold they would be continued. At the same time, the House might as well relieve the Chair of making that decision.

Mr. GARFIELD. The Chair has already stated what he would do, and it is evidently right. But when he presents the Calendar on Monday next, it would be open to anybody to object if he found occasion to do so.

Mr. BLACKBURN. I should like the gentleman from Ohio to accept the suggestion, not only to provide against disturbing the existing committees under the present rules, but also to give protection for all special orders as they now stand.

Mr. ROBINSON. I desire to make an inquiry of the Chair. What is the pending question?

The SPEAKER *pro tempore*. The amendments are not yet completed on which the previous question is operating.

The Clerk read an amendment proposed to clause 5 of Rule XXIV, as follows:

After the word "which" insert the words "the motion;" so that it will read;

"Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table, which, the motion prevailing, the Speaker shall dispose of in the following order," &c.

Mr. BLACKBURN. That is right.
The amendment was agreed to.
The Clerk read an amendment proposed to Rule XXVII, which was to transpose certain words so that the rule would read as follows:

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports which originated in the House, and remained undetermined at the close of the last preceding session, shall be in order for action, and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

Mr. BLACKBURN. That is right.
The amendment was agreed to.
The Clerk read an amendment proposed to Rule XXXVII, to strike out the word "summoned" and insert the word "subpœnaed."
The amendment was agreed to.
The Clerk read an amendment proposed to Rule XXXIX, to strike out the word "so" before the words "withdrawn therefrom;" so that the rule would read as follows:

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if withdrawn therefrom, certified copies thereof shall be left in the office of the Clerk, &c.

The amendment was agreed to.
Mr. BLACKBURN. I move to reconsider the various votes just taken upon amendments, and also move that the motion to reconsider be laid on the table.
The latter motion was agreed to.
Mr. YOUNG, of Tennessee. I ask unanimous consent for leave to print in the RECORD as a portion of the debates some remarks upon these rules.
There was no objection, and leave was granted accordingly. [See Appendix.]
Mr. ROBINSON. I desire to make a suggestion in regard to clause 8 of Rule XI, in relation to the Committee on Agriculture. The House having authorized the Committee on Agriculture to report the appropriations necessary for that Department, it seems to me that we should go further and give that committee leave to report at any time.
Mr. GARFIELD. Oh, no.
Mr. ROBINSON. I mean to report at any time upon the subject of appropriations. I care nothing about the matter myself. I voted against the amendment giving the committee that authority. But as we have gone so far as to give that committee the right to report an appropriation bill, I think we should also give the committee the right to report such appropriation bill at any time.
Mr. FRYE. No.
Mr. ROBINSON. I only make the suggestion.
Mr. BURROWS. I have a suggestion to make in relation to the order in which these rules are stated. The first rule relates to the "duties of the Speaker;" the second rule relates to the "election of officers." Then the third, fourth fifth, sixth, and seventh rules relate to the duties of particular officers of the House. Would it not be better to reverse the order of the first and second rules, and let the second rule in relation to the "election of officers" be the first rule, and then let the rules in relation to the duties of officers follow that?
Mr. RANDALL, (the Speaker.) The committee considered that question.
Mr. BURROWS. I will not press it.
Mr. FRYE. I desire to make an inquiry. The Committee on Rules, as I understood, determined to demand a yea-and-nay vote on clause 7 of Rule XI, in relation to the right of the Committee on Commerce to report appropriation bills for the improvement of rivers and harbors.
Mr. CARLISLE. That was adopted.
Mr. HAWLEY. And without a yea-and-nay vote.
Mr. GARFIELD. I have prepared the resolution which I indicated, and I think if the House will hear it read there will be no objection to it.
Mr. RANDALL, (the Speaker.) Let it come in after the rules have been adopted.
The SPEAKER *pro tempore*. The question is now upon adopting the rules as amended.
Mr. CONGER. I move that clause 3 of Rule XXI be stricken out.
Mr. BLACKBURN. That is not in order; the previous question is still operating.
Mr. CONGER. The previous question is not operating upon the adoption of the report.
Mr. BLACKBURN. The previous question is not yet exhausted; it was called upon the report and all amendments thereto.
The SPEAKER *pro tempore*. The Chair must sustain the point of order.
Mr. CONGER. Let the record of the action of the House in that regard be read.
Mr. BLACKBURN. I take it that the previous question is not exhausted until the question is taken on the adoption of the report.
Mr. CLARKE, of Missouri. I call for the regular order.
The SPEAKER *pro tempore*. Is there objection to the amendment proposed by the gentleman from Michigan?
Mr. RANDALL, (the Speaker.) There is.
Mr. CONGER. I do not ask consent to offer that amendment. I ask that the record be read in order to show whether the previous question applies to the adoption of the whole report.
The SPEAKER *pro tempore*. That is the opinion of the Chair.
Mr. CONGER. Let that portion of the Journal be read.
The SPEAKER *pro tempore*. The Journal is not yet made up.
Mr. CONGER. Then let the minutes of the journal clerk be read.
Mr. BLACKBURN. The Speaker has decided the point of order. Does the gentleman appeal?
Mr. CONGER. I would like to hear the record read.
Mr. CLYMER. Let the Journal be read.
The SPEAKER *pro tempore*. The clerk will read the minutes of his Journal.
The journal clerk [Mr. Smith] read as follows:

Mr. BLACKBURN moved that the morning hour be dispensed with; which motion was agreed to, two-thirds voting in favor thereof.
Mr. BLACKBURN further moved that the House proceed to the consideration of the report of the Committee on Rules, submitting revised rules, reported from the Committee of the Whole House on the state of the Union, with amendments, on Friday last, and pending when the House then adjourned; which said motion was agreed to.
Mr. BLACKBURN demanded the previous question on the adoption of the report of the Committee on Rules as amended by the Committee of the Whole House on the state of the Union, together with amendments submitted by the Committee on Rules thereto.
The previous question was seconded and the main question ordered.
Mr. BLACKBURN moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. BLACKBURN. That settles it.
The SPEAKER *pro tempore*. That would seem to end the matter.
Mr. CONGER. It was not so stated at the time as to be understood. I say that most positively and distinctly.
Mr. BLACKBURN. What was not understood?
Mr. CONGER. The motion of the gentleman was not stated so as to be understood by me and others on this side.
Mr. BLACKBURN. It was not my fault, for it was stated by me in as distinct tones as I could employ.
Mr. CONGER. The gentleman stated that he demanded the previous question on the amendments.
Mr. BLACKBURN. I stated three times over that I demanded the previous question on the report as well as on the amendments.
Mr. CLYMER. And I heard the gentleman when he did it.
Mr. RANDALL, (the Speaker.) The RECORD will show that I made the suggestion to the gentleman from Kentucky to include the report in his demand of the previous question; and he did it.
Mr. CONGER. I demand the yeas and nays on the adoption of these rules. I do this because it gives us the only opportunity we can have to vote against this principle of political riders.
The yeas and nays were ordered.
The question was taken; and there were—yeas 122, nays 88, not voting 82; as follows:

YEAS—122.

Acklen,	Ellis,	Lounsbery,	Scales,
Aiken,	Evins,	Lowe,	Singleton, O. R.
Armfield,	Ewing,	Martin, Benj. F.	Slemons,
Atkins,	Felton,	Martin, Edward L.	Smith, Hezekiah B.
Bachman,	Field,	Mason,	Smith, William E.
Bicknell,	Finley,	McKenzie,	Steele,
Blackburn,	Forney,	McLane,	Stephens,
Bland,	Frye,	McMahon,	Stevenson,
Blount,	Geddes,	McMillin,	Talbott,
Bowman,	Gunter,	Mills,	Thompson, P. B.
Bright,	Hammond, N. J.	Morse,	Tillman,
Cabell,	Harris, John T	Muldrow,	Townshend, R. W.
Caldwell,	Hatch,	Muller,	Tucker,
Carlisle,	Henkle,	Myers,	Turner, Oscar
Clardy,	Henry,	New,	Turner, Thomas
Clark, John B.	Herbert,	Nicholls,	Upson,
Clymer,	Herndon,	O'Conner,	Vance,
Cobb,	Hill,	Persons,	Waddill,
Coffroth,	Hostetler,	Phelps,	Warner,
Colerick,	House,	Philips,	Wellborn,
Converse,	Hull,	Phister,	Wells,
Cook,	Hurd,	Poehler,	Whitthorne,
Covert,	Hutchins,	Reagan,	Williams, Thomas
Cox,	Kenna,	Richmond,	Willis,
Cravens,	King,	Robertson,	Wilson,
Davidson,	Kitchin,	Robinson,	Wise,
Davis, Lowndes H.	Klotz,	Ross,	Wood, Fernando
Deuster,	Knott,	Rothwell,	Wright,
Dibrell,	Ladd,	Ryon, John W.	Young, Casey.
Dickey,	Le Fevre,	Samford,	
Dunn,	Lindsey,	Sawyer,	

NAYS—88.

Aldrich, William	Davis, Horace,	Humphrey,	Robeson,
Anderson,	Deering,	Joyce,	Russell, William A.
Bailey,	Dunnell,	Keifer,	Shallenberger,
Baker,	Dwight,	Killinger,	Sherwin,
Ballou,	Errett,	Lapham,	Smith, A. Herr
Barber,	Farr,	Marsh,	Sparks,
Bayne,	Fisher,	McCook,	Thomas,
Bingham,	Ford,	McGowan,	Townsend, Amos
Blake,	Forsythe,	Miller,	Tyler,
Brewer,	Garfield,	Monroe,	Updegraff, J. T.
Brigg,	Godshalk,	Morrison,	Updegraff, Thomas
Burrows,	Harris, Benj. W.	Murch,	Urner,
Butterworth,	Haskell,	Neal,	Valentine,
Calkins,	Hawk,	Norcross,	Van Aernam,
Cannon,	Hawley,	O'Neil,	Voorhis,
Carpenter,	Hayes,	Osmer,	Ward,
Claflin,	Hazelton,	Overton,	Washburn,
Conger,	Heilman,	Pacheco,	Weaver,
Cowgill,	Henderson,	Page,	Wilber,
Crapo,	Horr,	Pound,	Williams, C. G.
Culberson,	Houk,	Prescott,	Willits,
Davis, George R.	Hubbell,	Rice,	Yocum.

NOT VOTING—82.

Aldrich, N. W.	Davis, Joseph J.	Kelley,	Richardson, J. S.
Atherton,	De La Matyr,	Ketcham,	Russell, Daniel L.
Barlow,	Dick,	Kimmel,	Ryan, Thomas
Beale,	Einstein,	Lewis,	Sapp,
Belford,	Elam,	Loring,	Shelley,
Beltzhoover,	Ferdon,	Manning,	Simonton,
Berry,	Fort,	Martin, Joseph J.	Singleton, Jas. W.
Bliss,	Frost,	McCoid,	Speer,
Bouck,	Gibson,	McKinley,	Springer,
Boyd,	Gillette,	Miles,	Starin,
Bragg,	Goode,	Mitchell,	Stone,
Brigham,	Hall,	Money,	Taylor,
Browne,	Hammond, John	Morton,	Thompson, Wm. G.
Buckner,	Harmer,	Newberry,	Van Voorhis,
Camp,	Hiscock,	O'Brien,	Wait,
Caswell,	Hooker,	O'Reilly,	White.
Chalmers,	Hunton,	Orth,	Whiteaker,
Chittenden,	James,	Pierce,	Wood, Walter A.
Clark, Alvah A.	Johnston,	Price,	Young, Thomas L.
Crowley,	Jones,	Reed,	
Daggett,	Jorgensen,	Richardson, D. P.	

So the report of the Committee on Rules, as amended, was adopted.

During the roll-call the following announcements were made:

Mr. GODSHALK. My colleague, Mr. HARMER, is paired with the gentleman from Virginia, Mr. GOODE.

Mr. CHITTENDEN. I am paired with the gentleman from Missouri, Mr. BUCKNER.

Mr. HOOKER. On this question I am paired with the gentleman from Massachusetts, Mr. LORING.

Mr. SHELLEY. I am paired with the gentleman from Michigan, Mr. STONE. If he were present, I should vote in the affirmative.

Mr. DAVIS, of North Carolina. I am paired with the gentleman from Iowa, Mr. THOMPSON. If he were here, I should vote "ay."

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with the gentleman from Iowa, Mr. MCCOID, and my colleague, Mr. TAYLOR, with the gentleman from New Jersey, Mr. BRIGHAM.

Mr. KING. My colleague, Mr. ELAM, who is absent by reason of illness, is paired with the gentleman from Pennsylvania, Mr. DICK. My colleague, Mr. GIBSON, who is absent on account of indisposition, and who is paired with the gentleman from Connecticut, Mr. WAIT, would, if present, vote "ay." The gentleman from Connecticut would vote "no."

Mr. TILLMAN. The gentleman from Virginia. Mr. JOHNSTON, is paired with the gentleman from Indiana, Mr. ORTA.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, who is paired with the gentleman from New York, Mr. VAN VOORHIS, would, if present, vote "ay."

Mr. CABELL. My colleague, Mr. HUNTON, is paired with the gentleman from Indiana, Mr. BROWNE. My colleague, if present, would vote "ay."

Mr. ALDRICH, of Rhode Island. I am paired with the gentleman from Alabama, Mr. LEWIS.

Mr. HASKELL. My colleague, Mr. RYAN, who is paired with the gentleman from Mississippi, Mr. MANNING, would, if present, vote "no."

Mr. BOUCK. I am paired with the gentleman from Ohio, Mr. MCKINLEY. If he were present, I should vote "no."

Mr. WHITE. I am paired with my colleague, Mr. BELTZHOOVER. If he were present, I should vote "no;" I presume he would vote "ay."

Mr. SAPP. I am paired with the gentleman from California, Mr. BERRY. If at liberty to vote, I should vote "no."

Mr. CALKINS. The gentleman from Colorado, Mr. BELFORD, is paired with the gentleman from Illinois, Mr. SPRINGER.

Mr. BAILEY. My colleague, Mr. EINSTEIN, is paired with the gentleman from New Jersey, Mr. CLARK.

The result of the vote was announced as above stated.

Mr. BLACKBURN moved to reconsider the vote just taken; and and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLACKBURN submitted the following resolution; which was read, considered, and adopted:

Resolved, That 5,000 copies of the rules of the House, properly indexed, be printed under the direction of the journal clerk, for the use of the House.

Mr. BLACKBURN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the foregoing rules, just adopted as a substitute for all existing rules of the House, shall take effect and be in force from and after the hour of noon on Monday next, on which day, after the reading of the Journal, the Speaker shall present to the House the calendars provided for in these rules, on which shall be entered in proper order all the measures now pending before the House or the Committee of the Whole: *Provided*, That in carrying these rules into effect no standing committee shall be abolished, nor the number of the same decreased, during the present Congress; nor shall any existing special order be set aside.

Mr. DUNNELL. This resolution will not prevent the Speaker from making additional appointments during this session upon committees whose numbers are increased?

Mr. GARFIELD. No, sir; where the new rules provide for an increase that can be carried out. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. GARFIELD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 304.

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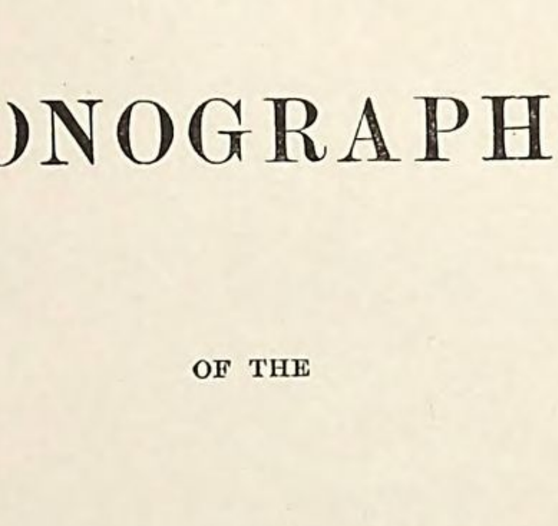

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1885

UNITED STATES GEOLOGICAL SURVEY

J. W. POWELL DIRECTOR

GEOLOGICAL HISTORY

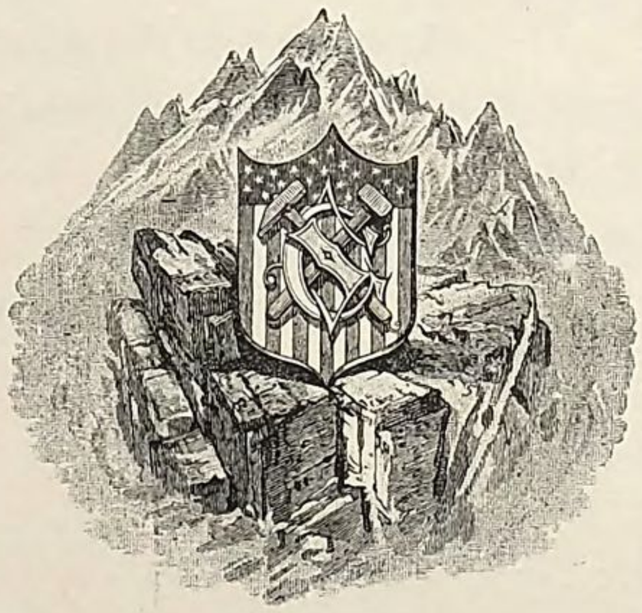
OF

LAKE LAHONTAN

A QUATERNARY LAKE OF NORTHWESTERN NEVADA

BY

ISRAEL COOK RUSSELL



WASHINGTON
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1885

WASHINGTON, D. C., *March* 28, 1885.

SIR: I have the honor to submit for publication a memoir on Lake Lahontan by Mr. I. C. Russell.

The principal work of my Division has been the investigation of the Quaternary lakes of the Great Basin. In this investigation Mr. Russell has been my principal assistant since the year 1880. During the first season he accompanied me in the field for the purpose of familiarizing himself with the methods of research which had been developed in the course of the earlier work, but in subsequent years he was assigned independent districts. His report on the most important of these is communicated in the present volume.

After the completion of his field work, I visited some of the more instructive localities of the Lahontan basin and repeated his observations. I am thus familiar not only with his methods but with some of the principal facts which he discusses, and am enabled from personal knowledge to characterize his work as accurate and thorough.

Very respectfully, your obedient servant,

G. K. GILBERT,

Geologist in Charge, Division of the Great Basin.

Hon. J. W. POWELL,

Director U. S. Geological Survey.

PREFACE.

The explorations reported in the present volume are a continuation of the studies of the Quaternary geology of the Great Basin begun by Mr. G. K. Gilbert when the present survey was organized. The work has been carried out under Mr. Gilbert's direction, and to him I am indebted not only for every facility he could offer for advancing my work, but also for important advice and numerous suggestions. Whatever value may be attached to the results of my labors will be due in great measure to the wisdom and unvarying kindness of the Chief of the Division of the Great Basin.

With the exception of the reconnaissance of 1881, I have had the assistance of Mr. Willard D. Johnson in all matters relating to topography throughout both the field and office work connected with the preparation of this volume. The energy and completeness with which he has carried forward his special work under peculiar difficulties, not met with outside the desert regions of the Far West, deserve the highest praise The accuracy of the accompanying maps that Mr. Johnson has drawn from his own survey will make them a reliable basis for determining future changes in the lakes and rivers of the region explored.

During the summer of 1882, I was accompanied by Messrs. W J McGee and George M. Wright, as geological aids, and to each I have the pleasure of crediting much valuable assistance. The accompanying drawings of geological sections will attest the accuracy of Mr. McGee's work.

The survey of nearly 8,500 square miles in northern Nevada, which was necessary in order to compile the accompanying pocket map and many of the smaller illustrations, was carried out by Mr. A. L. Webster, assisted

by Mr. Eugene Ricksecker. It is to be hoped that Mr. Webster's work will be issued as an independent atlas sheet, in order that its full value may be appreciated.

Since this report was written the analyses by Prof. F. W. Clarke and Dr. T. M. Chatard, contained in the following pages, have been published in Bulletin No. 9 of this Survey, to which the reader is referred for additional information in reference to methods of analysis.

I. C. R.

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U. S. GEOLOGICAL SURVEY

QUATERNARY LAKES. OF THE GREAT BASIN.

Quaternary Lakes ▭ Boundary of the Great Basin ~ Area represented on Plate XLVI. ▭

Scale of Miles.

100 75 50 25 0 100 200 300

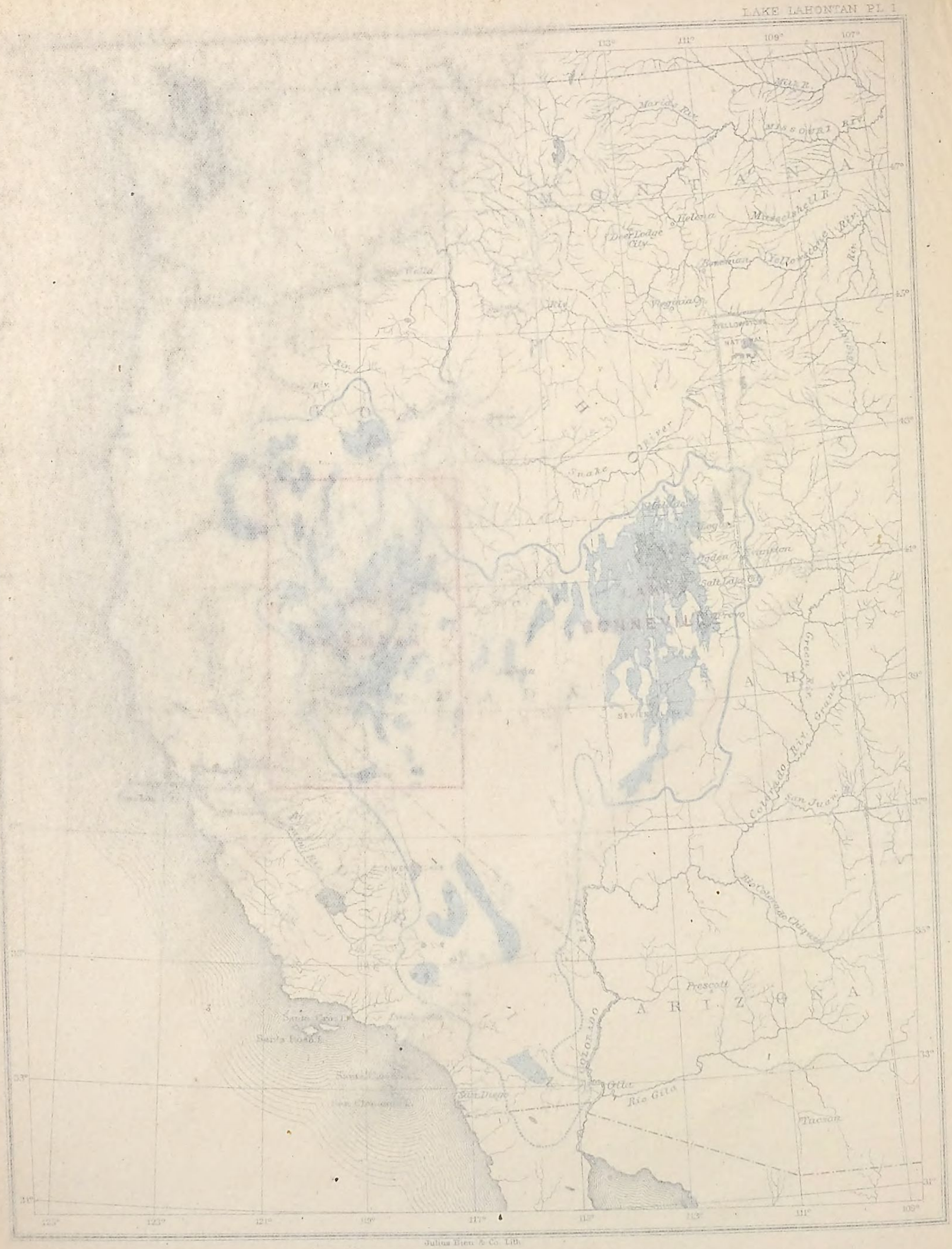
Julius Bien & Co. Lith

GEOLOGICAL HISTORY OF LAKE LAHONTAN

BY ISRAEL C. RUSSELL.

ABSTRACT OF MONOGRAPH.

The present volume records the history of a large lake which flooded a number of the valleys of northwestern Nevada at a very recent geological date, but has now passed away. This ancient water-body is known as Lake Lahontan—named in honor of Baron La Hontan, one of the early explorers of the headwaters of the Mississippi—and resembled in many respects Lake Bonneville. The former, situated mostly within the area now forming the State of Nevada, filled a depression along the eastern border of the Great Basin at the base of the Sierra Nevada, the latter occupied almost entirely in the present Territory of Utah, occupied a corresponding position on the east side of the Great Basin, at the foot of the Wasatch Mountains. The hydrographic basins of these two water-bodies embraced the entire width of the Great Basin in latitude 41°. Lake Bonneville had 19,750 square miles in area, and had a maximum depth of about 1,000 feet. Lake Lahontan covered 8,422 square miles of surface, and in the deepest part, the present site of Pyramid Lake, was 886 feet in depth. The ancient lake of Utah overflowed northward and cut down its channel of discharge 370 feet. The ancient lake of Nevada did not overflow. Each of these lakes had two high-water stages, separated by a time of desiccation. In the Lahontan Basin, as in the Bonneville, the first great rise was preceded



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QUATERNARY LAKES OF THE GREAT BASIN.

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by a long period of desiccation, and was followed by a second dry epoch, during which the valleys of Nevada were even more completely desert than at present. During the second flood stage the lake rose higher than at the time of the first high water, and then evaporated to complete desiccation. The present lakes of the basin are of comparatively recent date, and are nearly fresh, for the reason that the salts deposited when the Quaternary lake evaporated were buried or absorbed by the clays and marls that occupy the bottom of the basin.

As Lake Lahontan did not overflow, it became the receptacle for all the mineral matter supplied by tributary streams and springs both in suspension and in solution. The former was deposited as lacustral sediments and the latter as calcareous tufa, or formed desiccation products when the lake evaporated.

The introductory chapter indicates the position of the field of study, and contains a sketch of the Great Basin, as the explorer finds it to-day, of which the desiccated bed of Lake Lahontan forms a part; also a brief notice of previous explorations, and an account of what was known of Lake Lahontan before the present study was begun. Routes of travel and areas surveyed are indicated on Plate II.

Chapter II (on the genesis of Lake Lahontan) contains a summary of the facts which show that the lake filled a compound orographic basin, resulting from the tilting of faulted beds. A description is given of the character of the irregular area whose drainage the lake received, together with an account of the outline and area of the basin which held the ancient lake.

The question of outlet is discussed in detail, the conclusion being that the lake did not overflow (page 32).

Chapter III (on the physiography of the Lahontan Basin) contains a description of the region as it exists at the present time. The most distinctive characteristics of the valleys and mountains are briefly noticed; an account of the existing rivers is given, including measurements of volume, chemical composition, etc. The present springs of the basin are also described and analyses of the waters of a few of them presented. These analyses are believed to represent approximately the character of the tribu-

taries of Lake Lahontan. The existing lakes are next considered. These are Honey Lake, California; Pyramid, Winnemucca, Humboldt, North Carson, South Carson, and Walker lakes, Nevada. Each of these is described with some detail with special reference to its geological bearings. All the lakes mentioned above, excepting Humboldt, are inclosed, *i. e.*, are without outlet, and their waters are somewhat saline and alkaline, but not concentrated brines. They cannot, therefore, be considered as remnants left by the incomplete desiccation of Lake Lahontan. The Soda lakes, near Ragtown, Nevada, are specially considered, and detailed observations are presented which show that they occupy extinct volcanic craters (page 73). Attention is given, on page 81, to the peculiar playas or broad mud-plains of the arid region of the Far West, as well as to the temporary lakes, called playa-lakes, which frequently flood them.

Chapter IV (on the physical history of Lake Lahontan) is divided into sections.

Section 1 contains a compendious discussion of shore phenomena in general.

Section 2 is devoted to the presentation of the shore phenomena of Lake Lahontan, and contains detailed descriptions and maps of the terraces, bars, embankments, etc., that were formed about its shores. The highest of the ancient water lines is named the "Lahontan Beach." It indicates the maximum extent of the lake as shown on the accompanying pocket map. The most conspicuous terraces below the Lahontan Beach are the "Lithoid", "Dendritic", and "Thinolitic." Each of these marks the upper limit of a variety of tufa from which it derives its name (page 102).

Section 3 treats of the sediments of the lake and presents detailed sections of the exposures observed. The sediments consist of two deposits of lacustral marls, separated by a heavy layer of current-bedded gravels; thus recording two lake periods and an intermediate low-water stage (page 43).

Accumulations of pumiceous dust, white marl, and aeolian sands are described under the head of Exceptional Sedimentary Deposits (page 146).

Section 5 is devoted to the illustration of geological structure, as displayed in the lake basin, and is followed by a résumé of the physical history of the lake (page 169).

Chapter V (on the chemical history of Lake Lahontan) is also divided into sections.

Section 1 treats of the general chemistry of natural waters as they occur in streams, springs, lakes, oceans, and inclosed lakes or seas, and is an introduction to the chemical history of Lake Lahontan.

Section 2 is an account of the tufas precipitated from the water of the lake. These present three main divisions, named, respectively, "Lithoid," "Thinolitic," and "Dendritic." The first is a compact, stony variety, and is the oldest of the principal calcareous deposits that sheath the interior of the basin. It occurs from a horizon thirty feet below the Lahontan beach all the way down the sides of the basin to the lowest point now exposed to view (page 190). Thinolite is composed of crystals, and was formed in the ancient lake when it was greatly reduced by evaporation; its upper limit is about 400 feet below the Lahontan beach (page 192). Dendritic tufa has a branching or dendritic structure, whence its name; it is superimposed upon the previously-formed varieties. Its upper limit is 180 feet below the Lahontan beach (page 201). The aggregate thickness of the tufa deposits is from thirty to perhaps fifty or seventy-five feet. Chemical analyses show that all the varieties are composed of somewhat impure calcium carbonate. Following the description of these deposits is a discussion of the conditions favoring the deposition of calcareous tufa from lake waters (page 210).

Section 3 considers the salts precipitated from the waters of the lake when evaporation took place, and discusses the manner in which lakes may be freshened by desiccation (page 223).

Section 4 contains an account of the efflorescences now forming on the surface of the deserts in the Lahontan Basin, and presents a brief description of the more valuable salt-works of the region, which are all supplied by the salts contained in Lahontan sediments (page 230).

Chapter VI presents the life history of the ancient lake as determined from the abundant molluscan remains and other fossils that have been found. The shells show that the lake was fresh throughout its higher stages. During the period when thinolite was formed it seems to have been too concentrated to admit of the existence of molluscan life, as no fossils have been found in that deposit. A chipped implement discovered in the upper lacustral beds

indicates that man inhabited the Far West during the last rise of Lake Lahontan (page 247).

Chapter VII is a summary of the history of the former lake (page 250).

Chapter VIII contains a discussion of the Quaternary climate as determined from the records of Lake Lahontan. The periods of greatest lake expansion are correlated with the two glacial epochs of the Sierra Nevada, and are believed to indicate cold and moderately humid periods (page 259). That the lake did not overflow is taken as evidence that the climate, even during the high stages of the lake, was only moderately humid. The climatic changes that brought about such marked alterations in the character of the Great Basin are thought to have been of moderate intensity.

Chapter IX is devoted to a summary of the evidence bearing on the determination of the geological age of the lake. The conclusion reached is that it existed during the Quaternary, but was more recent than the date usually assigned for the close of the glacial epoch.

Chapter X brings the present study to a close, and contains an account of the orographic movements that have affected the Lahontan basin since the last high-water period. The post-Lahontan faults actually observed are represented on Plate XLV.

CHAPTER I.

INTRODUCTORY.

THE FIELD OF STUDY.

The region treated of in the present volume embraces about 90,000 square miles in northwestern Nevada, together with small portions of southern Oregon and eastern California.

The object of the explorations herewith reported was the study of the Quaternary geology of the country visited, and particularly the geological history of Lake Lahontan—a lake, now extinct, which occupied many of the valleys of northwestern Nevada at a very recent geological date. The basin of Lake Lahontan is one of the many independent drainage areas of which the Great Basin is composed, and its geology is a page in the history of the vast region lying between the Rocky Mountains and the Sierra Nevada.

The Great Basin is to-day an arid region, but during the Quaternary its climate was probably colder and more humid than at present. The Sierra Nevada and Wasatch ranges, now for the most part bare of snow during the summer, were formerly crowned with vast névés from beneath which flowed many magnificent ice-rivers; the desert ranges of Utah and Nevada were also snow-covered, and some of them gave birth to local glaciers. The valleys which are now dry and treeless, and in many instances absolute deserts, destitute of any kind of vegetation over hundreds of square miles, were then occupied by lakes, the largest of which were comparable in extent and depth with those now drained by the Saint Lawrence. Some of these old lakes had outlets to the sea and were the sources of considera-

ble rivers, others discharged into sister lakes; a considerable number, however, did not rise high enough to find outlet, but were entirely inclosed, as is the case with the Dead Sea, the Caspian, and many of the lakes of the Far West at the present time. The largest of the Quaternary lakes of the Great Basin, thus far explored, has been very fully described by Mr. Gilbert and others under the name of Lake Bonneville. The second in size, Lake Lahontan, is the subject of the present report.

The topography of the region to which we wish to direct attention, together with its Quaternary hydrography, is represented on the accompanying pocket map. The relation of the region to the entire area of interior drainage, and the more general geography of the Far West, is indicated on the frontispiece. Before presenting the results of our geological observations it seems desirable to glance briefly at some of the more prominent characteristics of the region of interior drainage of which the district to be described is a component part.

THE GREAT BASIN.

In crossing from the Atlantic to the Pacific, between the Mexican boundary and the central portion of Oregon, one finds a region, bounded by the Sierra Nevada on the west and the Rocky Mountain system on the east, that stands in marked contrast in nearly all its scenic features with the remaining portions of the United States. The traveler in this region is no longer surrounded by the open, grassy parks and heavily-timbered mountains of the Pacific slope, or by the rounded and flowing outlines of the forest-crowned Appalachians, and the scenery suggests naught of the boundless plains east of the Rocky Mountains or of the rich savannas of the Gulf States. He must compare it rather to the parched and desert areas of Arabia and the shores of the Dead Sea and the Caspian.

To the geographer the most striking characteristic of the country stretching eastward from the base of the Sierra Nevada is that it is a region of interior drainage. For this reason it is known as the "Great Basin." No streams that rise within it carry their contributions to the

ocean, but all the snow and rain that falls inside the rim of the basin is returned to the atmosphere, either by direct evaporation from the soil or after finding its way into some of the lakes that occupy the depressions of the irregular surface. The climate is dry in the extreme, the average yearly rainfall probably not exceeding 12 or 15 inches.

The area thus isolated from oceanic water systems is 800 miles in length from north to south, and nearly 500 miles broad in the widest part, and contains not far from 208,500 square miles—an area nearly equal to that of France. The southern part of the region includes the Colorado Desert, Death Valley, and much of the arid country in southern California and Nevada. In northern Nevada the Carson and Black Rock deserts exhibit the extreme of desolation. The most northerly part of the Great Basin, occupying the central portion of Oregon, is less barren, its rugged surface abounding in long and narrow mountain ranges, volcanic table lands, and isolated mesas, weathering as they grow old into rounded buttes, that are covered with luxuriant bunch-grass and bear a scattered growth of cedars and pines. At the south the valleys of the Great Basin are low-lying, Death Valley and the Colorado Desert being depressed below the level of the sea; but at the north the valleys have a general elevation of from 4,000 to 5,000 feet, while the intervening mountain ranges rise from 5,000 to 7,000 feet above them.

Diversifying this region are many mountain ranges and broad desert valleys, together with rivers, lakes, and cañons, topographic elements to be found in all quarters of the world, but here characterized by features peculiar to the Great Basin. The mountains exhibit a type of structure not described before this region was explored, but now recognized by geologists as the "Basin Range structure." They are long narrow ridges, usually bearing nearly north and south, steep upon one side, where the broken edges of the composing beds are exposed, but sloping on the other, with a gentle angle conformable to the dip of the strata. They have been formed by the orographic tilting of blocks that are separated by profound faults, and they do not exhibit the anticlinal and synclinal structures commonly observed in mountains, but are monoclinal instead.

The valleys or plains separating the mountain ranges, far from being fruitful, shady vales, with life-giving streams, are often absolute deserts, totally destitute of water, and treeless for many days' journey, the gray-green sagebrush alone giving character to the landscape. Many of them have playas in their lowest depressions—simple mud plains left by the evaporation of former lakes—that are sometimes of vast extent. In the desert bordering Great Salt Lake on the west and in the Black Rock Desert of northern Nevada are tracts hundreds of square miles in area showing scarcely a trace of vegetation. In winter, portions of these areas are occupied by shallow lakes, but during the summer months they become so baked and hardened as scarcely to receive an impression from a horse's hoof, and so sun-cracked as to resemble tessellated pavements of cream-colored marble. Other portions of the valleys become incrusted to the depth of several inches with alkaline salts which rise to the surface as an efflorescence and give the appearance of drifting snow. The dry surface material of the deserts is sometimes blown about by the wind, saturating the air with alkaline particles, or is caught up by whirlwinds and carried to a great height, forming hollow columns of dust. These swaying and bending columns, often two or three thousand feet high, rising from the plains like pillars of smoke, form a characteristic feature of the deserts.

Most of the rivers of the Great Basin have their sources in the melting snows of the mountains which form its eastern and western borders, and flow into the desert valleys within the rim of the undrained area. Of such the Bear, Weber, and Sevier rivers are examples along the eastern border; on the west the Truckee, Carson, and Walker rivers have a similar origin and destiny. A single river, the Humboldt, is anomalous in that both its source and its terminus are well within the area of interior drainage.

The rivers of the Great Basin vary greatly in volume with the varying seasons, and some of them disappear entirely during the hot summer months. In the streams that are perennial a high percentage of the annual discharge is crowded into a brief space toward the end of the rainy season. Thus the arteries of this parched and heated country make but one feverish pulsation in a year. The streams usually diminish in volume as they descend into the valleys, and in many instances their waters are lost on the thirsty

deserts and their channels run dry. In general they are larger near their sources than at their mouths. Commonly, too, instead of being pure, sparkling waters, refreshing to the lips as well as to the eye, they are heavy with sediment and bitter and alkaline to the taste.

The lakes into which much of the surface drainage finds its way are commonly saline and alkaline—their shores desert wastes, shunned by animals and by all but salt-loving plants. Of the saline lakes, the typical example is furnished by Great Salt Lake in Utah, an inland sea whose features call to mind the familiar descriptions of the Dead Sea in Palestine. Mono Lake in California, and Abert and Summer lakes in Oregon, are also highly charged with saline matter, and are remarkable for the amount of sodium and potassium salts which they contain. Pyramid, Walker, Winnemucca, and Carson lakes in Nevada, as well as many smaller lakes throughout the Great Basin, are also without outlets, but yet, contrary to what we would expect, they hold but comparatively small percentages of saline matter in solution.

Other lakes, which indicate still more pointedly the contrast between an arid and a humid climate, we may call *playa-lakes*. These are sheets of shallow water, covering many square miles in the winter season, but evaporating to dryness during the summer, their beds becoming hard, smooth mud-plains or *playas*. In many instances a lake is formed on a playa during a single stormy night, only to disappear beneath the next noonday sun. When the weather is unsettled these lakes are scarcely more permanent than the delusions of the mirage, but come and go with every shower that passes over the land. Other playa-lakes retain their integrity for a longer period, and only become dry during excessively arid seasons. Examples of these are furnished by Honey Lake in California, North Carson Lake ("Carson and Humboldt Sink") in Nevada, and Sevier Lake in Utah, all of which have been known to become dry during the past few years. The water of playa-lakes has a greenish yellow color, due to the extremely fine silt which is held in suspension and not allowed to settle, because every breeze stirs the shallow alkaline water to the bottom. A remarkable lake of this class is sometimes formed in the northern part of the Black Rock Desert, in Nevada, during extremely wet seasons. Its water is furnished mainly

by Quinn River, and it has been known to have a length of 50 or 60 miles, with a breadth of 20. During the summer it disappears entirely, leaving an absolutely barren plain of mud, Quinn River at the same time shrinking back a hundred miles towards its source. The peculiar history of playas and playa-lakes will be more fully described in connection with the physiography of the Lahontan basin, which is the subject of Chapter III.

A few lakes situated on the borders of the Great Basin have outlets, and discharge their surplus waters into reservoirs at lower levels within the area of interior drainage. These are of the same type as the ordinary lakes of humid climates, with waters as pure and fresh as springs and melting snow can furnish. Their finest example, Lake Tahoe, lies just within the western rim of the Great Basin, at an elevation of 6,247 feet, amid the peaks of the Sierra Nevada. Its outlet, the Truckee River, flows downward with a descent of 2,400 feet to Pyramid and Winnemucca lakes, where the water is evaporated, leaving the lower lakes charged with soda salts. Just within the eastern border of the Great Basin lie Bear Lake and Utah Lake, the former discharging its waters through the Bear River and the latter through the Jordan River to Great Salt Lake. These streams carry down from the mountains their small percentages of saline matter, as a contribution to the already saturated solution of the inland sea where their waters are evaporated.

It may be taken as a rule that all lakes which overflow are fresh, and all lakes which do not find outlet become in time charged with mineral salts. River water is never absolutely pure, but contains a small percentage of mineral matter, which is left behind when the water is evaporated. Should this process continue long enough it is evident that a lake without an outlet would in time become a saturated solution, from which the less soluble mineral salts would begin to crystallize.

The examination of those inclosed lakes of the Great Basin that are comparatively fresh, and especially of the lakes occupying the Lahontan basin, shows that salt lakes may in some instances become essentially fresh without overflowing. It has been suggested by Mr. G. K. Gilbert, in explanation of this apparent anomaly, that a lake may evaporate to dryness and its salts become buried beneath the deposits of playa-lakes, so that on the

return of humid conditions the water that reoccupies the old basin may be comparatively, if not absolutely, fresh.

To the artist the scenery of the arid lands of the Far West contrasts with that of more humid regions by the russet-brown desolation of the valleys, the brilliant colors of the naked rocks, and the sharp, angular outlines of the mountains. A country without water is necessarily a desert, while with abundant moisture, at least in tropical and temperate latitudes, it becomes a garden of luxuriant vegetation. In the most desert portions of the Great Basin the annual precipitation does not exceed four inches, while in the valleys on the borders of the basin it probably reaches 20 or 30 inches. Throughout this region the only fruitful areas are along the margins of streams, or where springs come to the surface. In such places, where water can be had for irrigation, one finds oases of delicious shade, with green fields and orchards yielding an unusually abundant harvest. Thus in nearly all its physical features the Great Basin stands in marked contrast with those favored lands where rain is more abundant and more evenly distributed.

The rainfall that a region receives is a potent though silent factor, which controls an almost infinite series of results in its physical history and topography. In a humid region vegetation is usually luxuriant; the rock forms are masked by forests, erosion is rapid, and the rocks are commonly buried beneath the accumulations of their own *débris* or concealed by layers of vegetable and animal mould that in turn are clothed with vegetation. The hills have flowing outlines and are dark with foliage. The valleys have gently sloping sides that conduct the drainage into streams meandering through broad plains, and the whole scene has the softness and beauty of a garden. In an arid land like the Great Basin all this is changed. The mountains are rugged and angular, usually unclothed by vegetation, and receive their color from the rocks of which they are composed. From the gorges and cañons sculptured in the mountain sides alluvial cones descend to the plain. These sometimes have an extent of several miles, and they are steep or gentle in slope according to the grade of the streams that formed them. The valleys, even more dreary than the mountains, are without arboreal vegetation and without streams, and form a picture of desolation

and solitude. In traveling through the Great Basin one sometimes rides a hundred miles without sight of a tree, and many times that distance without finding shade enough to protect him from the intense summer sun.

The bare mountains reveal their structure almost at a glance, and show distinctly the many varying tints of their naked rocks. Their richness of color is sometimes marvelous, especially when they are composed of the purple trachytes, the deep-colored rhyolites, and the many-hued volcanic tuffs[1] so common in western Nevada. Not unfrequently a range of volcanic mountains will exhibit as many brilliant tints as are assumed by the New England hills in autumn. On the desert valleys the scenery is monotonous in the extreme, yet has a desolate grandeur of its own, and at times, especially at sunrise and at sunset, great richness of color. At mid-day in summer the heat becomes intense, and the mirage gives strange delusive shapes to the landscape, and offers false promises of water and shade where the experienced traveler knows there is nothing but the glaring plain. When the sun is high in the cloudless heavens and one is far out on the desert at a distance from rocks and trees, there is a lack of shadow and an absence of relief in the landscape that make the distance deceptive—the mountains appearing near at hand instead of leagues away—and cause one to fancy that there is no single source of light, but that the distant ranges and the desert surfaces are self-luminous. The glare of the noonday sun conceals rather than reveals the grandeur of this rugged land, but in the early morning and the near sunset the slanting light brings out mountain range after mountain range in bold relief, and reveals a world of sublimity. As the sun sinks behind the western peaks and the shades of evening grow deeper and deeper on the mountains, every ravine and cañon becomes a fathomless abyss of purple haze, shrouding the bases of gorgeous towers and battlements that seem incrusted with a mosaic more brilliant and intricate than the work of the Venetian artists. As the light fades and the twilight deepens, the mountains lose their detail and become sharply outlined silhouettes, drawn in the deepest and richest purple against a brilliant sky.

[1] The word *tufa* is used throughout this volume to designate deposits of calcium carbonate. When the volcanic product is meant, for which the same name is sometimes used, we shall designate it by the word *tuff*.

The succession of seasons is less plainly marked on the deserts of the Great Basin than on the forest-covered hills of the Atlantic slope. As autumn advances, but little change appears in the color of the landscape, excepting, perhaps, a spot here and there of gold or carmine high up on the mountains, where a clump of aspens or of dwarfed oaks marks the site of a spring that trickles down and loses itself among the rocks. The valleys with their scanty growth of sage remain unchanged, as do the dusky bands of pines and cedars on the higher mountains. As the autumn passes away, the skies lose their intense blue, and become more soft and watery, more like the skies of Italy. The hues of sunset appear richer and more varied, and during the day cloud masses trace moving lines of shadow on the surface of the desert. By and by storm-clouds gather in black, gloomy masses that envelop the ranges from base to summit. These early storm-clouds cling close to the mountains and yield to the parched deserts but a few scattered drops of rain. The observer from below hears the raging tempest amid the veiled peaks, while all about him is sunshine. The mountains wrapped in impenetrable clouds, the glare of lightning and the deep roll of thunder as it echoes from cliff to cliff and from range to range, bring to mind the scriptural account of the storms of Sinai. And when the black clouds at last roll back from the mountains, and the sun with a wand of light dispels the storm, behold what a transfiguration! The peaks are no longer dark and somber, but glitter with the silvery sheen of freshly fallen snow.

As winter approaches, the storms amid the uplands become more frequent, until every range is white as snow can make it, and the tent-like mountains gleam like the encampment of some mighty host. Long after they are covered, the valleys between are bare as in midsummer, and the snow seldom lies upon them for more than a few days at a time. The highlands retain their snow far into summer, but on none of the ranges can it be said to be perpetual. In the valleys there are flowers beneath the sage-brush by the middle of April, but from that time until November scarcely a drop of rain falls. For many days and sometimes for weeks the skies are without a cloud.

The agriculture of this arid region is restricted to those scanty areas of land that can be irrigated. Of more importance is the grazing of sheep and cattle on the bunch-grass that frequently abounds amid the mountains and sometimes grows beneath the sage-brush. The mines of the precious metals, however, are the principal source of wealth, and to them must now be added a growing industry in salt, borax, sulphur, and carbonate of soda.

The Great Basin is not attractive to the pleasure-seeker, but to the geologist it is peculiarly fascinating, both because the absence of vegetation gives such unusual facilities for investigation, and because of the character of the problems to be solved. It is in this inhospitable region, now so arid that many a lost traveler has perished from thirst, that the great lake existed in recent geological time, which has been made a subject of study by the writer and his associates, the results of which are now presented.

EXPLORATIONS.

The existence of a great area of interior drainage on this continent, similar in many ways to the desert region of southern Asia, was not known, except to the early Spanish missionaries, among whom the name of Father Escalante is most prominent, and to trappers and hunters, who left no records of their observation, until Capt. B. L. E. Bonneville reached its eastern border in 1832.[2] A year later, a party led by Joseph Walker traveled across to the Pacific coast, by way of the Humboldt River and the Carson Desert. This expedition returned by a more southern route, and determined that much of the country explored did not drain to the ocean.

Ten years later, J. C Fremont, then a lieutenant in the Army, carried his bold explorations into the same region, and gave the name of "The Great Basin" to the rugged and arid country which he traversed westward of the Rocky Mountains. A comprehensive, and, for the most part, an accurate, description of the general features of the Great Basin, was published by Fremont in his report of 1848;[3] a detailed narrative of his journeys in 1842, '43, and '44 having been published three years previously.[4]

[2] Adventures of Captain Bonneville, by Washington Irving.

[3] Geographical Memoir upon Upper California, Washington, D. C., 1848, p. 7.

[4] Exploring Expedition to the Rocky Mountains. Washington, 1845.

A summary of the results of exploration in this region previous to 1857 was prepared by Lieut. G. K. Warren, and published in Volume XI of the Reports of the Pacific Railroad Explorations, to which we must refer the reader for detailed information in this connection.

A portion of the region of interior drainage is within the boundaries of California, and came within the limits of the explorations of the geological survey of that State, carried on under the direction of Prof. J. D. Whitney. Volume I of the reports of that survey contains a brief account of the Great Basin,[5] relating principally to its southern border, which was compiled from the notes of several travelers.

Since the completion of railroad communication with the Pacific coast in 1869, important advances have been made in our knowledge of the Great Basin. The Central and Southern Pacific railroads have crossed it and sent numerous branches through its desert valleys, both northward and southward from the trunk lines; many towns and mining camps have sprung up along these highways, and almost every foot of easily irrigable land has been appropriated by settlers. Herds of cattle and sheep find subsistence on the mountains and in the sage-brush-covered valleys which were once thought to be too barren to become of service to man. Some of the most productive silver mines in the world have been developed in this inhospitable region. Throughout the eastern border of the Great Basin, in Idaho, Utah, and Arizona, the followers of the Mormon faith have found a "promised land," which by untiring toil and industry they have reclaimed from its primitive desolation and made the home of thousands. With all this advancement, however, the Great Basin is but thinly settled, when we consider its vast area; but, owing to its desert nature, probably contains a larger population than its agriculture alone can sustain. Together with the settlement of the country, exploration has gone forward until but little of the great *terra incognita* of thirty years ago remains unmapped; scarcely more than a beginning has been made, however, in unraveling its complicated geological history. The United States Geological Exploration of the Fortieth Parallel, in charge of Clarence King, mapped the geology of a belt 100 miles wide across its northern portion. A large part of the Great

[5] Page 461.

Basin was also mapped by the surveys in charge of Capt. George M. Wheeler and Major J. W. Powell; and geological explorations have been carried over large areas by the geologists connected with these surveys. The present Geological Survey has made special studies of a few of the principal mining centers of the Great Basin, and commenced the investigation of its surface geology in a systematic manner. Even with such a favorable beginning, many years of patient investigation, accompanied at times with hardships and privations, will be required before the geology of the Great Basin can be fully written.

The exploration of the Lahontan basin, so far as is definitely recorded, began in 1833, when it was crossed by the party in charge of Joseph Walker, as previously mentioned. No report of this journey has been published excepting in Irving's attractive book describing the adventures of Captain Bonneville. In 1843, '44, '45, and '46, Fremont traversed the Lahontan basin throughout nearly its entire extent from north to south and made many geographical discoveries; but although he noted the presence of tufa deposits about Pyramid Lake, and published a sketch of the tufa-coated island which suggested its name, he does not seem to have recognized that his route led through the desiccated bed of an ancient inland sea.

In 1854, Capt. E. G. Beckwith[6] crossed the northern part of the Lahontan basin, in the region of the Black Rock and Smoke Creek deserts, but gave little attention to the geology of the country traversed; the main object of his exploration being the discovery of a practical railroad route to California. Other reports of a similar nature might be cited, as that of Capt. R. Ingalls,[7] who traversed the Lahontan basin in the latitude of the Carson Desert in 1855; little information of geological importance is contained, however, in the narratives of these earlier expeditions.

The exploring party in command of Capt. J. H. Simpson[8] entered the Lahontan basin at Sand Spring Pass, at the eastern end of Alkali Valley, in June, 1859, and encamped on the slough connecting North and South Carson lakes; the expedition then proceeded southward to Walker Lake, by

[6] Pacific Railroad Reports, Washington, D. C., 1861, Vol. II.

[7] Congressional Documents: 34th, 1st, H. R. Ex. Doc. 1, p. 156.

[8] Explorations Across the Great Basin of Utah, Washington, D. C., 1876, pp. 312, 313.

way of Allen's Springs, and afterwards traversed Mason and Carson valleys, which, as we now know, were also occupied by the waters of Lake Lahontan. The presence of ancient water lines and of calcareous tufa deposits about the borders of the Carson Desert was recorded by Henry Engelmann, the geologist of the expedition, in his report on the geology of the country traversed during the reconnaissance, but time did not permit an extended study of the surface geology of the region. That large portions of the area of interior drainage had at no distant time been occupied by lakes was clearly recognized, and the cause of their disappearance was correctly ascribed to climatic changes.

During the progress of the United States Geographical Surveys west of the 100th Meridian, in charge of Capt. George M. Wheeler, large portions of the Lahontan basin were topographically surveyed, but no report on the geography or geology of the region has been published. The maps prepared by this survey, and also those issued in connection with the exploration of the Fortieth Parallel, were exceedingly useful during the field work of the present investigation, and were freely used in compiling the pocket map accompanying this report, as well as in preparing some of the smaller illustrations.

The exploration of the Fortieth Parallel included a belt 100 miles wide which crossed the Lahontan basin, but left considerable areas both to the north and south unmapped. In the reports of that survey Lake Lahontan received its name, and it is discussed to considerable length by the geologist in charge (Vol. I). Many detailed observations relating to the history of the former lake were recorded by Messrs. Arnold Hague and S. F. Emmons as a part of their report (Vol. II) of field observations. It is not necessary to introduce an abstract of the results reached by these geologists in reference to the history of the former lake, as we shall have frequent occasion to refer to their work in the pages that follow.

In 1872 Dr. James Blake made a journey from Winnemucca, Nevada, to the Pueblo Mountains, Oregon, during which he traversed the northern portion of the Lahontan basin, and made many observations in reference to tufa deposits, terraces, fossil shells, etc. The results of these observations were published in two brief papers in Vol. IV (1872) of the Proceedings

of the California Academy of Sciences.[9] In these papers the possibility of an outlet to the ocean for the waters of the Great Basin during the Quaternary is suggested, and measurements are given of the altitude of some of the passes in the northern part of Nevada which lead towards the drainage of the Columbia. That the passes in this region could not have furnished a point of discharge for Lake Lahontan will be shown in the following chapter (page 34).

The study of the surface geology of the Great Basin, undertaken by the United States Geological Survey, was begun in the summer of 1880; a section of the survey, entitled the "Division of the Great Basin," having previously been organized under the leadership of Mr. G. K. Gilbert, with headquarters at Salt Lake City, Utah. The first field season was occupied with the study of Lake Bonneville, the results of which have been published by Mr. Gilbert in a somewhat popular essay in the second annual report of the survey; the final report, in the form of an independent monograph, is now in preparation.

In April, 1881, the writer commenced a geological reconnaissance through the northern part of the Great Basin, during which the northern half of Nevada was crossed and recrossed, and excursions were made into eastern California and southern Oregon. As the first year's exploration was entirely of a preliminary character, without scientific assistants, all detailed study and instrumental work was deferred until the following season. The reconnaissance of 1881 occupied seven months, during which about 3,500 miles were traversed in the saddle, the route being planned with special reference to the study of Quaternary geology. During the season the basin of Lake Lahontan was crossed in various directions and much of its history was deciphered. A sketch of the geology of Lake Lahontan, so far as determined from the first season's explorations, was published in the Third Annual Report of the United States Geological Survey.

While carrying forward the reconnaissance of 1881, the Mono basin, California, was visited and the study of its geological history begun; this task was left unfinished, however, until the region could be topograph-

[9] On the absence of a rim to the Great Basin to the west of Pueblo Butte, p. 223. Remarks on the Topography of the Great Basin, pp. 276–278.

ically surveyed. From the experience gained during the first season's work, a plan of investigation was developed which was carried out during the summers of 1882 and 1883.

On taking the field at Winnemucca, Nevada, in the spring of 1882, I was joined by Mr. Willard D. Johnson, of Washington, D. C., who accompanied me on a journey through that portion of the Great Basin that lies north of the hydrographic rim of Lake Lahontan and is situated mostly in Oregon. The results of this exploration, so far as the surface geology of the region is concerned, were published in the Fourth Annual Report of the United States Geological survey. During this reconnaissance the previous conclusion that Lake Lahontan did not overflow northward was fully confirmed. The Great Basin north of the Nevada-Oregon boundary, in common with the main area of interior drainage, is divided into a number of independent hydrographic basins, many of which held Quaternary lakes that must have been contemporaneous with the great lakes of Utah and Nevada

On returning to Winnemucca in July, I was joined by Mr. W J McGee as geological aid, and a few weeks later by Mr. George M. Wright, also in the same capacity. Proceeding southward from Winnemucca we examined the Lahontan sediments, terraces, tufa deposits, etc., occurring in the Humboldt Valley, and then continued our journey southward in order to study the region about Humbolt, Pyramid, Winnemucca, and Walker lakes. Later in the season we entered the Mono Lake basin and began a detailed investigation of its Quaternary geology. Owing to the advance of winter we were obliged to leave the completion of this work until another season.

During the time that the expeditions mentioned above were being carried forward, Mr. A. L. Webster, assisted by Mr. Eugene Ricksecker, was engaged in making a topographical survey of the northeast portion of the Lahontan basin, in order to complete the compilation of the accompanying pocket map. The region surveyed by Mr. Webster embraced about 8,464 square miles, and is indicated on Plate II; the extreme eastern limit of the area surveyed is a few miles to the eastward of the right-hand border of the plate.

U. S. GEOLOGICAL SURVEY

Julius Bien & Co. Lith.

ROUTES TRAVELED AND AREAS SURVEYED

Routes by I.C. Russell

Laboratory Reach

Routes by Scientific Assistants

Areas surveyed

Scale: 29 miles = 1 inch

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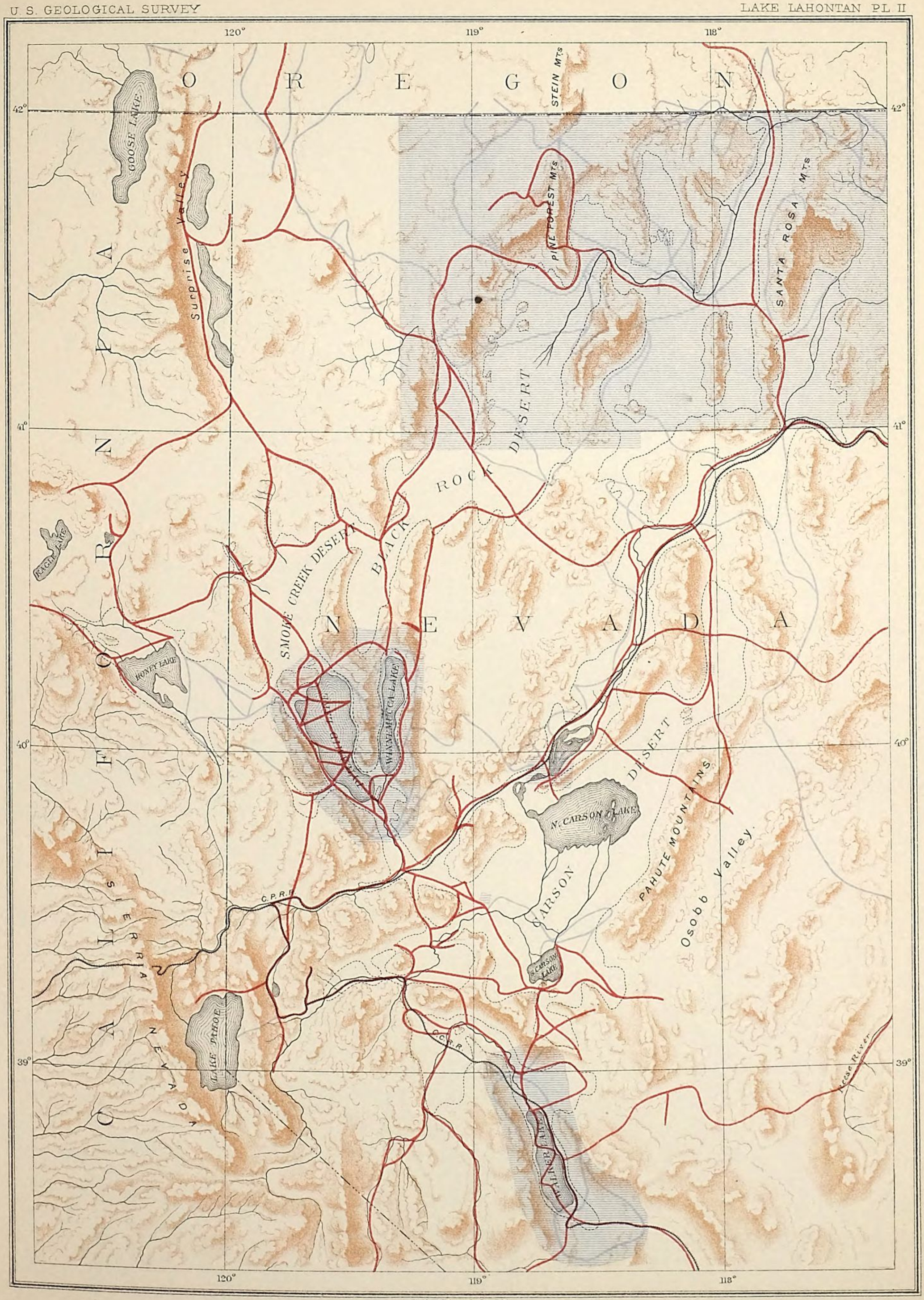

Julius Bien & Co. Lith.

ROUTES TRAVELED AND AREAS SURVEYED.

Routes by I. C. Russell

Routes by Scientific Assistants

Lahontan Beach

Areas surveyed

Scale: 29 miles = 1 inch

0 5 10 15 20 25 50 75 100

The various routes followed by myself and my scientific assistants during the exploration of Lake Lahontan are shown on Plate II, and will serve to indicate the degree of completeness to which we were enabled to carry our observations. A portion of the field season was devoted by Mr. Johnson to the preparation of local maps, the positions of which are also indicated on map forming Plate II.

The winter of 1882–'83 was passed at the survey office in Salt Lake City, in the preparation of notes and maps for publication, chemical studies connected with our work, etc. In July, 1883, I again took the field in company with Mr. Johnson, and recommenced work in the Mono basin. After devoting all the time practicable to the study of the Quaternary geology of that region I journeyed northward and passed through a large portion of the Lahontan basin, en route to Red Bluff, California, where I disbanded my party in October. In traversing the Lahontan basin I visited several points of interest in the Walker River cañon, about Pyramid and Winnemucca lakes, and on the Black Rock and Smoke Creek deserts, thus being able to review many previous observations.

Mr. Johnson completed his topographical survey of the Mono basin late in December, and brought to a close, at least for the present, the field study of the Quaternary geology of the region from which the Division of the Great Basin derived its name

The explorations conducted by the writer have embraced three field seasons, a part of each having been devoted to the study of Lake Lahontan. The observations made during these several journeys, so far as they relate to the great Quaternary lake of northwestern Nevada, are included in the present report.

Our work in the Mono basin during the same years that the exploration of Lake Lahontan was being carried forward includes a study of the existing lake and of the ancient lake of much greater extent that formerly occupied the same valley; also, the relations of both the ancient and the modern lake to the glacial and volcanic phenomena displayed on a grand scale in the same basin. The results of these studies will be published in the Sixth Annual Report of the United States Geological Survey.

Incident to our geological studies in the Mono basin was a visit to the glaciers now existing amid the lofty peaks of the Sierra Nevada, on its western border. A sketch of the observations relating to these glaciers, together with a summary of what has been published in reference to these and other glaciers of the United States, was issued in the Fifth Annual Report of the United States Geological Survey.

CHAPTER II.

GENESIS OF LAKE LAHONTAN.

THE FORMATION OF LACUSTRAL BASINS.

The discussion of the origin of lake basins has been carried on with so much zeal during the past fifteen or twenty years that we now possess a large amount of literature bearing on the subject. From the facts gathered by many observers, in widely separated localities, it is evident that the depressions holding lakes are extremely diverse in character and have resulted from many causes. In some instances lakes are held in basins produced by orographic movement, *i. e.*, by the unequal folding of rocks, by dislocation due to faulting, etc. Others are the result of erosion, and have for their typical example a rock-basin produced by glacial action. Again, there is a third great group of basins produced by the damming of pre-existing waterways; as, for example, when the drainage of a valley is obstructed by moraines, land-slides, lava-flows, alluvial deposits, etc.

Following the schedule prepared by Davis,[10] we have three broad classes of lake basins:

a. Constructive or orographic basins.

b. Destructive or erosion basins.

c. Obstructive, barrier, or inclosure basins.

Each of these generic divisions is abundantly illustrated in the Great Basin. Very large portions, if not the entire area of interior drainage, have

[10] Classification of Lake Basins, by W. M. Davis: Proceedings of the Boston Society of Natural History, Vol. XXI, 1882, p. 321.

been broken by a vast network of fractures accompanied by a tilting of the included blocks, which have given origin to orographic basins on a grand scale. On the borders of the region, in the glaciated valleys of the Sierra Nevada and Wasatch mountains, rock basins due directly to the erosion of glaciers may be counted by hundreds if not by thousands. From almost any of the peaks of the High Sierra more than a score of lakes of this character may be observed. Lakes occupying barrier basins are also numerous in the cañons of the Cordilleras where ancient moraines obstruct the drainage. A number of the Sierra Nevada lakes which owe their origin to erosion and decomposition, resulting mainly from glacial action, will be described in connection with the Quaternary history of the Mono basin in the Sixth Annual Report of the United States Geological Survey. At present we are constrained to confine our attention to the more central portion of the Great Basin The area formerly occupied by glaciers in this region is very limited, and as flowing ice has been the principal agent in the formation of basins of erosion, this type of lake-basin is wanting, except about the summits of some of the highest of the basin ranges. Barrier basins, produced by the deposition of the current-borne *débris* of ancient lakes in such a manner as to obstruct the drainage of valleys, are not uncommon in the interior portion of the Great Basin, but the depressions characteristic of the region are due to other causes.

ORIGIN OF THE LAHONTAN BASIN.

The more pronounced topographic features of the Great Basin have been found to be the result of orographic displacement. The typical mountain structure of the region is monoclinal; the elements being orographic blocks bounded by faults, and so tilted that their upturned edges form mountain crests with a steep descent on one side and a more gentle slope in the opposite direction. The upheaved edges of faulted blocks usually appear as long and narrow ranges. Their depressed borders under-

lie valleys. An ideal cross-section of the mountains and valleys of the Great Basin is shown in the following diagram:

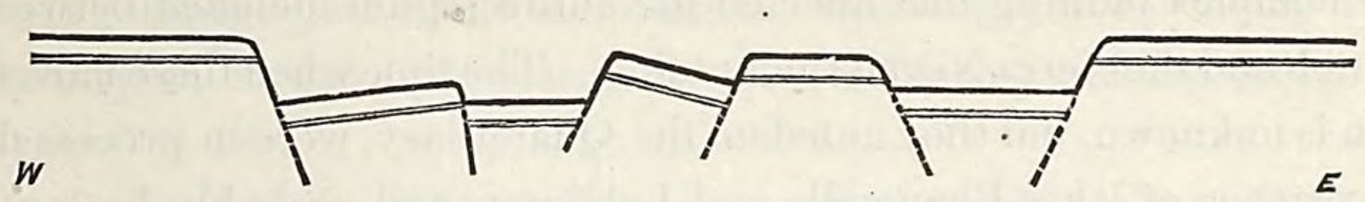

FIG. 1.—Ideal section illustrating Great Basin structure.

The structure here illustrated has been found so typical of the region between the Sierra Nevada and the Rocky Mountains, that it has been named by Gilbert the "Great Basin system" of mountain structure.[11]

The grandest displacements of the Great Basin are those determining its eastern and western borders, *i. e.*, the Wasatch and the Sierra Nevada faults. The first has been described by King, Gilbert, and others, and has been traced by the writer continuously for more than 150 miles; the second has been studied at intervals for over 200 miles without determining its full extent. The Sierra Nevada fault is much less regular in its course, and is more complex than the corresponding displacement along the eastern border of the Great Basin. It is conspicuous in Honey Lake Valley, California, where its scarp forms a line of rugged cliffs, bordering the plain on the west; and again along the west side of Eagle and Carson valleys, from near Carson City southward for fifty miles or more. In the valley of Mono Lake it is strongly pronounced; farther southward, in Owen's Valley, it has again been recognized, but its southern, like its northern terminus, is at present unknown. The details of this profound fracture are far from being understood, as it branches and changes its course in an extremely irregular manner. Disregarding all minor displacements, as well as the results of erosion and sedimentation, we may consider the Sierra Nevada in a general way as the upraised edge of an orographic block, having its eastern border determined by the great fault we have noticed above. The desert region stretching eastward from the base of the mountains is the thrown side of the same displacement. It is on the depressed side of this fault that the Lahontan basin is situated.

[11] U. S. Geographical Surveys West of the 100th Meridian, Vol. III, p. 21.

It is not to be understood, however, that the old lake basin was formed by a single, simple displacement; on the contrary, it is the result of exceedingly complex faulting that affected the entire region included between the Wasatch and the Sierra Nevada mountains. The time when these movements began is unknown, but they antedate the Quaternary, were in process during the existence of lakes Bonneville and Lahontan, and probably have not yet ceased, as will be shown in Chapter X. The old lake basin, instead of being a simple orographic valley, is composed of a large number of separate and independent depressions of the Great Basin type, which are united with one another directly, or by the intervention of narrow passes, and so nearly coincident in level that a single lake 900 feet deep in the lowest depression could flood them all. It is to the union of these various, independent, monoclinal valleys that the extremely irregular outline of Lake Lahontan is due.

Nearly all the ranges of northwestern Nevada are rugged and form serrate crests having an approximately north and south trend, and, as already stated, as a nearly universal rule they are monoclinal. An older structure, however, as first recognized by King,[12] is frequently apparent, in which a folding of the rocks into anticlinal and synclinal may be traced. In the older deformation the rocks were crumpled and contorted as in the Alleghanies and the Alps, but during the later disturbances they were broken without being folded. The monoclinal blocks resulting from the second disturbance are the elements giving character to the present topography; the surface features due to the former structure having been rendered inconspicuous by the later movements. The trend of the fault lines, and consequently of the mountain axes, is in general nearly north and south, but in the central part of the Great Basin, north of latitude 37°, it is more nearly north-northeast and south-southwest.

At present we can only call attention to a few characteristic examples of the displacements that gave origin to the Lahontan basin; these may be taken as types of the prevailing structure of the region.

In the Santa Rosa Mountains, in northern Nevada, the fault determining the trend of the range follows its western base and has a throw of not less

[12] U. S. Geological Exploration of the Fortieth Parallel, Vol. I, p. 735.

than 5,000 or 6,000 feet. The eastern slope is comparatively gentle, and conforms in a general way with the inclination of the beds of volcanic rock composing a large part of the mountains. The bold western mountain face is in reality an eroded fault scarp; the thrown block underlies Quinn River Valley.

In the case of the Jackson Range the principal fault follows its western base; the eastern base of the Pine Forest Mountains is also a precipitous fault scarp; the Black Rock Desert, intervening between these ranges, is a depressed area, which has been deeply buried beneath the sediments of Lake Lahontan. An ideal section from east to west, through these ranges, is shown in the following diagram:

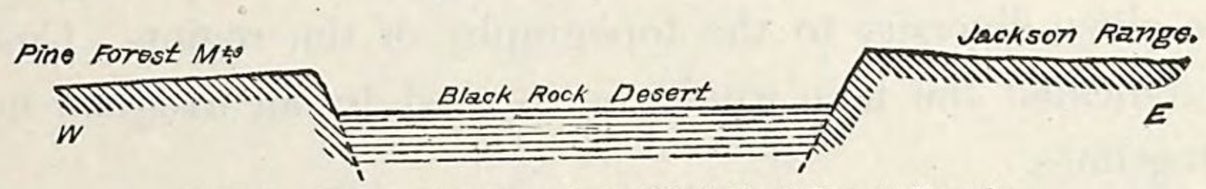

FIG. 2.—Ideal section through the Black Rock Desert, Nevada.

The Pahute Range, on the eastern border of the Carson Desert, has a well defined line of displacement along both the eastern and the western base, as indicated in the following generalized section:

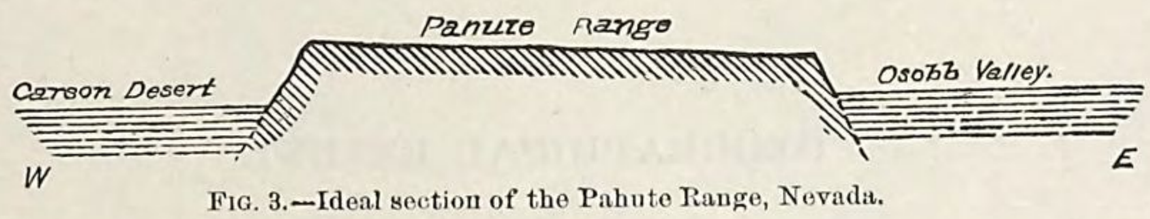

FIG. 3.—Ideal section of the Pahute Range, Nevada.

Great faults may also be traced along the western bases of the West Humboldt and Star Peak ranges. The eastern shores of both Pyramid and Winnemucca lakes are likewise determined by fault scarps, as indicated below.

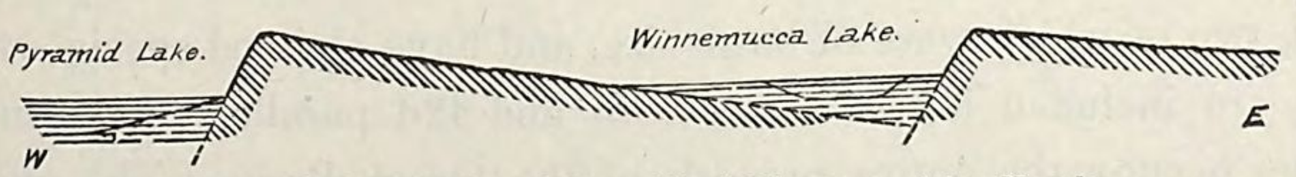

FIG. 4.—Ideal section through Pyramid and Winnemucca lakes, Nevada.

In Walker Lake Valley the orographic structure so typical of the Great Basin is again repeated; the main displacement in this instance follows the western border of the valley and determines the abrupt eastern face of the Wassuck Mountains. The topography of the valley is well shown on Plate XV.

If desirable, illustrations of Basin Range structure might be multiplied almost without number, not only in the Lahontan basin, but throughout Nevada, Utah, and Arizona, and in parts of Oregon and California. On the accompanying map, Plate III, an attempt is made to represent the course of the faults that determined the main features in the present topography of the Lahontan basin. The data for completing a map of this nature, however, so as to present an accurate outline of the orography of the region, have not been obtained, for the reason that special attention has not been directed to the subject The lines of displacement that are shown have been sketched from actual observation, and serve, at least in the absence of more complete data, to indicate the vastness of the system of fractures that have given diversity to the topography of the region. Could every fault be indicated the map would be covered by an irregular network of intersecting lines.

The depression formerly occupied by Lake Lahontan may be taken as the type of a compound rock-basin due to displacement, many of the minor valleys of which it is composed being examples of fault-basins of the simplest kind.

GEOGRAPHICAL EXTENT.

THE HYDROGRAPHIC BASIN.

During the Quaternary period, as at the present time, the region of interior drainage between the Sierra Nevada and the Wasatch mountains was divided into a large number of interior drainage areas or hydrographic basins, two of which were of large size, and have claimed special attention. These are included between the 38th and 42d parallels of latitude, and together occupy the entire breadth of the Great Basin. The one to the eastward embraced northern and western Utah, together with small portions of Idaho and Wyoming, and delivered its drainage to Lake Bonneville. The hydrographic area to the westward included the northwestern part of Nevada, together with small portions of California and Oregon, and discharged into Lake Lahontan. Lake Bonneville received the drainage from

U. S. GEOLOGICAL SURVEY

PRE-QUATERNARY FAULT LINES

Scale 25 Miles = 1 Inch

0 5 10 15 20 25 50 75 100

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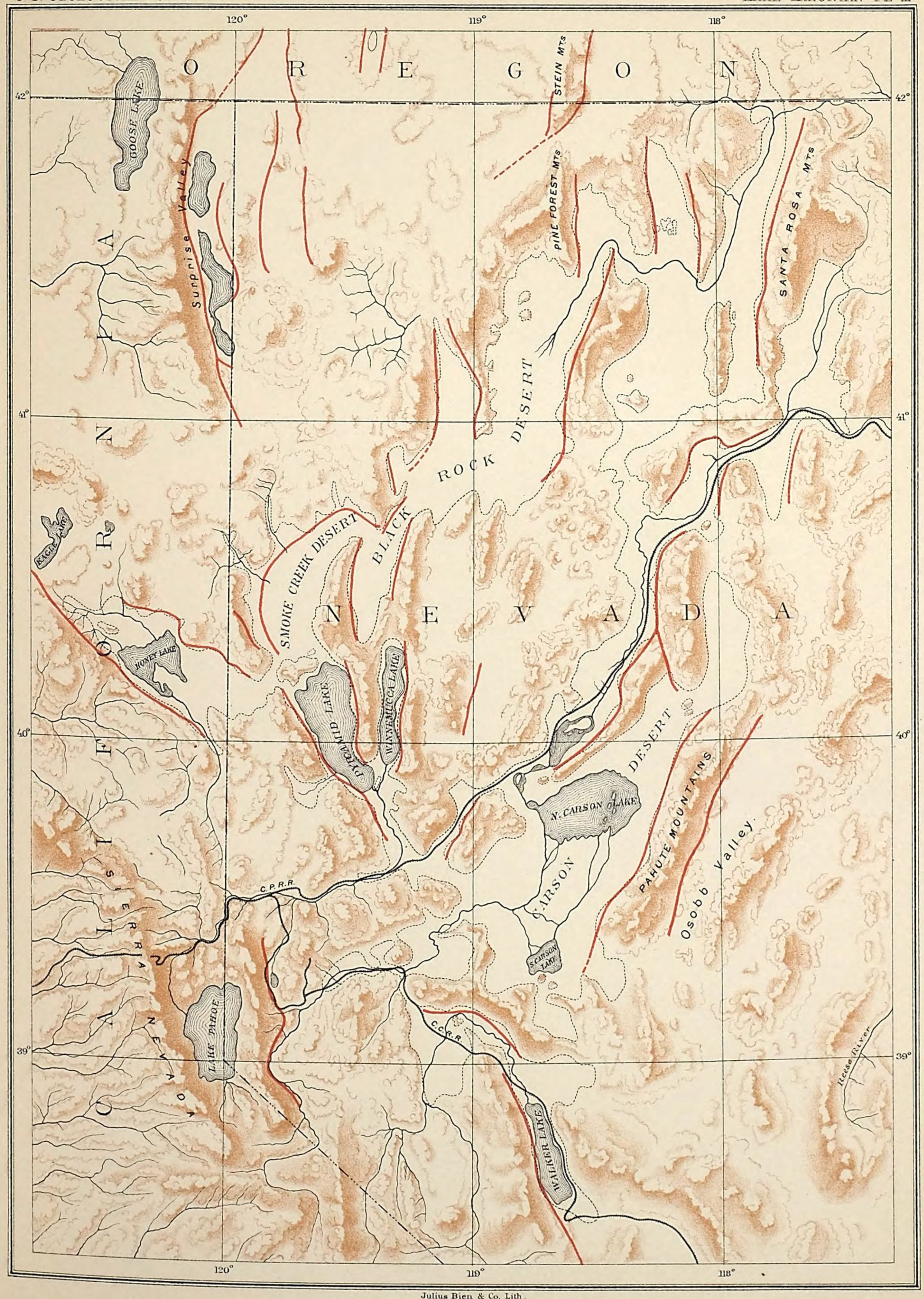


Julius Bien & Co. Lith.

PRE-QUATERNARY FAULT LINES.

Scale: 29 miles = 1 inch

0 5 10 15 20 25 50 75 100

a surface 52,000 square miles in extent; Lake Lahontan's hydrographic basin embraced 40,775 square miles.

The Bonneville basin has its lowest depression along its eastern border, now occupied by Great Salt Lake; and its form was largely determined by the Wasatch fault. In the Lahontan area the lowest depression is situated near the base of the Sierra Nevada, and the topography of the basin is determined, to a considerable extent, by the fault which follows the eastern base of that range.

The Bonneville and Lahontan drainage areas had a common divide for about 25 miles, between the 41st and 42d parallels, and a little east of the 115th meridian. Southward of the 41st parallel the boundaries of the two great hydrographic areas diverge, the included space being divided by short mountain ranges into a number of independent basins, some of which held Quaternary lakes of considerable size.

The direction of the streams in the northern part of the Great Basin shows that the area is divided by a central axis, irregular in its trend, from which the surface has a general slope, both eastward and westward, to the bases of the inclosing mountains.

From the Bonneville–Lahontan divide, north of Toano, the Humboldt River flows westward through a narrow and rugged valley which crosses the structural features of the country nearly at right angles. The course of the river seems to have been determined in Tertiary times, or perhaps earlier. During the Quaternary the Upper Humboldt Valley was occupied by a stream larger than the present, which emptied into Lake Lahontan a few miles east of the present site of Golconda. Before reaching the lake, the Quaternary river received considerable additions from the north through the channels of the North Fork, Maggi, Rock, and Rabbit creeks, and the Little Humboldt River. Its most important tributary, however, in ancient as in modern times, came from the southward, and flowed through the narrow Reese River Valley.

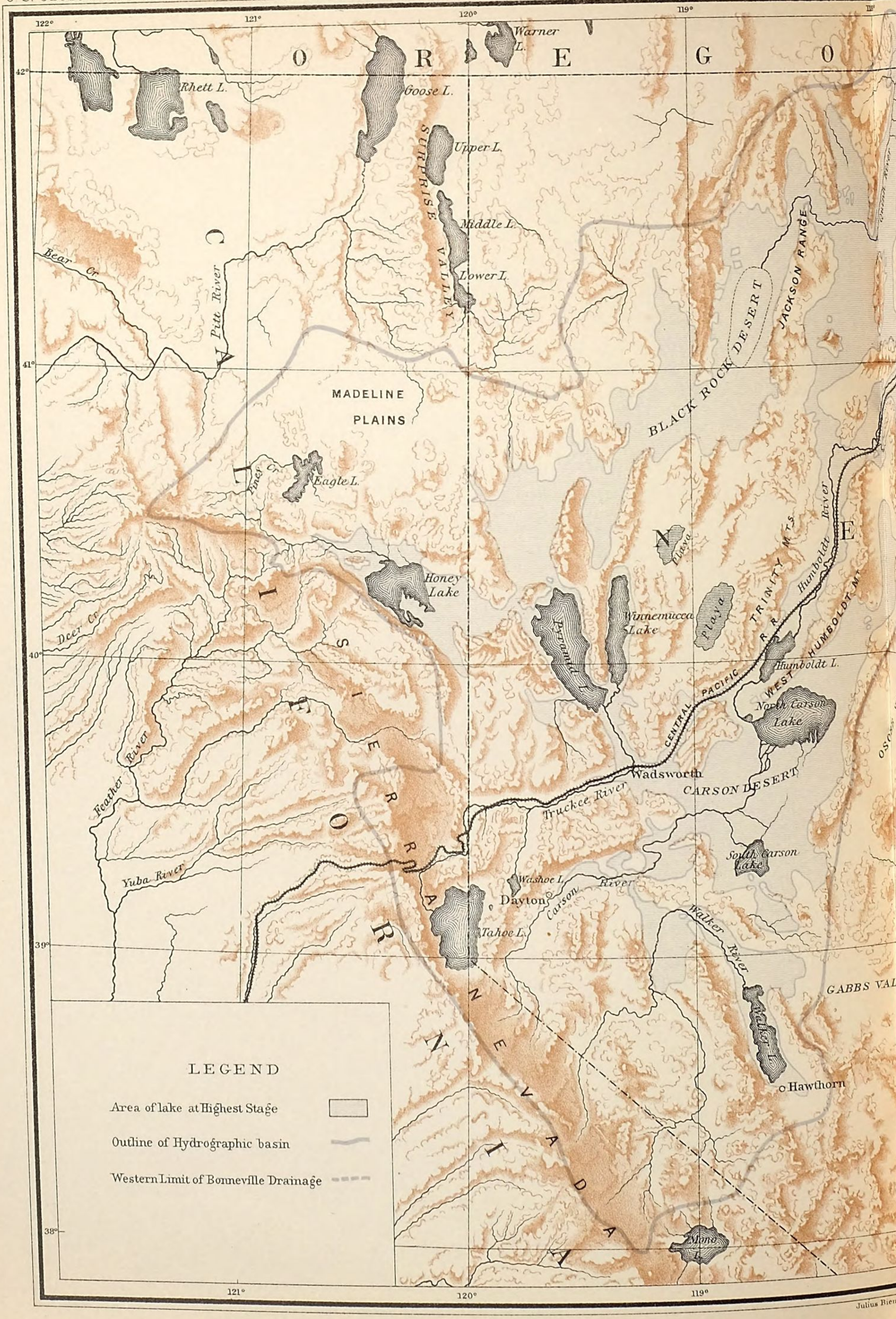
On the north the Lahontan drainage area was bordered by the rim of the Great Basin, and by a number of small and independent areas of interior drainage, situated mostly in Oregon and in the northwestern corner of Nevada. On the west the divide coincided for not less than 260 miles with

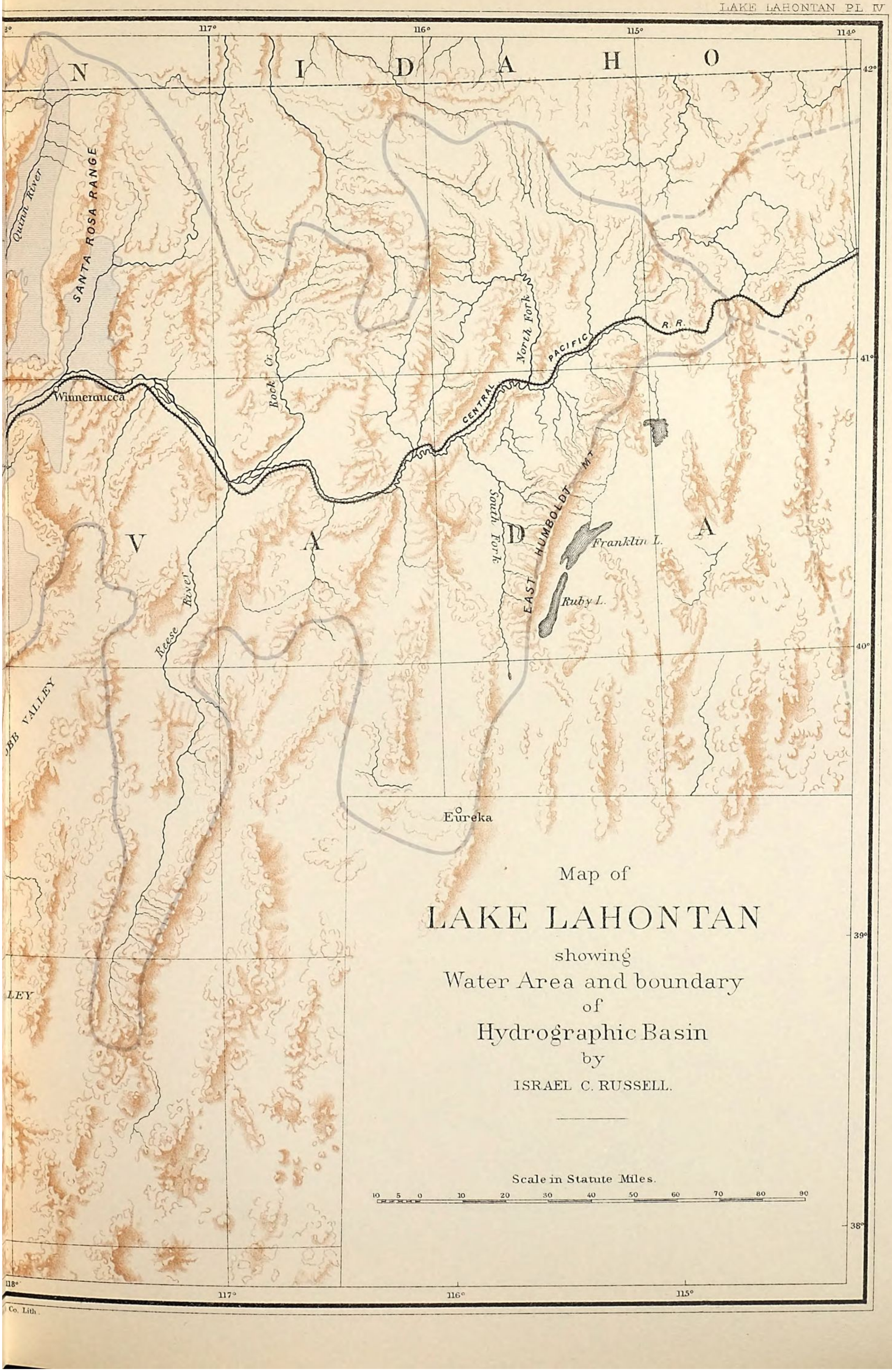
the western rim of the Great Basin, and was determined by the crest line of the Sierra Nevada, from the eastern slope of which the lake received its greatest tribute. The Walker, Carson, and Truckee rivers gathered the surface drainage of the mountains into previously excavated channels, which bear witness to a long period of erosion antecedent to the existence of the Quaternary lake. The divide between the waters that flowed into Lake Lahontan and the drainage of the interior basins bordering it on the south and east is extremely irregular, but is well defined throughout the greater part of its course by the crests of rugged mountains.

The separate drainage systems into which the basin is divided are the Humboldt and Reese river valleys of the east, Quinn River on the north, the Walker, Carson, and Truckee rivers, together with Smoke and Buffalo creeks, and Snowstorm and High-Rock cañons on the west. The boundary of the region that drained into Lake Lahontan is shown on Plate IV. Besides the areas draining into living streams there are several desert basins within the Lahontan area, as represented on Plate XXIX.

One of the most important conclusions to be derived from a study of the drainage in the region of Lake Lahontan during the Quaternary period is that the country at that time had about its present topographic form. The mountains were then the same as we find to-day, excepting that the lines carved by subaerial erosions are a little deeper, the alluvial cones about their bases are slightly larger, and they have undergone very moderate post-Quaternary orographic movements. The cañons occupied by the tributaries of Lake Lahontan still afford drainage channels when there is sufficient precipitation to form streams. If Quaternary man could revisit his ancient hunting grounds, he would have no difficulty in recognizing the landmarks that were once familiar to him. The mountains and valleys are the same, although their scanty vegetation has probably undergone many changes. The great lakes which were familiar to him, however, have passed away and given place to broad silent plains of desolation. The former rivers have shrunken, and many of their channels are dry.

U. S. GEOLOGICAL SURVEY




118°
117°
116°
115°
114°
42°
41°
40°
39°
38°
N I D A H O
Quinn River
SANTA ROSA RANGE
Winnemucca
Rock Cr.
CENTRAL PACIFIC R. R.
North Fork
South Fork
EAST HUMBOLDT MT
Franklin L.
Ruby L.
Reese River
V A L L E Y
D A
Eureka
Map of
LAKE LAHONTAN
showing
Water Area and boundary
of
Hydrographic Basin
by
ISRAEL C. RUSSELL.
Scale in Statute Miles.
10 5 0 10 20 30 40 50 60 70 80 90

Co. Lith.

THE LAKE BASIN.

As may be learned from the accompanying map, Plate IV, the outline of the hydrographic basin of Lake Lahontan is distinguished by great irregularity, and no less unsymmetrical is the contour line within, that marks the boundaries of the former lake. As nearly as can be estimated, the total area of Lake Lahontan, as previously stated, was about 8,422 square miles. Its northern extremity in Quinn River Valley reached a few miles north of the Nevada–Oregon boundary, and its extension southward was limited by the divide at the southern end of Walker Lake Valley. The distance between these points gives the extreme length of the lake as 250 miles. Its eastern limit was in Humboldt Valley, where the river passes through the Sonoma Range, a few miles to the eastward of Golconda; and the most westerly point near Susanville, in Honey Lake Valley, California. The axis joining these two extremes is 180 miles in length.

The area inclosed by the Lahontan beach is traversed by many mountain ranges, which formed peninsulas and islands during the existence of the lake, and divided its surface into a number of irregular water bodies that were connected by narrow channels. The principal water surfaces were grouped in two rudely parallel series, which were united at their northern and southern extremities by narrow straits. The area thus inclosed formed a large and extremely irregular island that bristled with barren and rugged mountain ranges. For convenience in description, we shall call the two main divisions of Lake Lahontan the Eastern and Western water bodies. The Eastern Body covered the Carson Desert, together with Buffalo, Alkali, and Churchill valleys, which open from it, extended up Humboldt Valley to beyond Golconda, and occupied the southern part of the Little Humboldt Valley. From the Humboldt the lake spread westward of the Eugene Mountains and the Slumbering Hills, and entirely filled Quinn River Valley.

The Western Body comprised the areas now known as the Black Rock and Smoke Creek deserts, together with the valleys of Honey, Pyramid, and Winnemucca lakes. At the north the connection between these two main divisions was by a narrow strait now traversed by the lower part of Quinn

River. The water in this channel during the highest stage of Lake Lahontan was 350 to 380 feet deep. The equally narrow strait connecting the East and West bodies at the south is now occupied by the lower portion of the Truckee River in its course between Wadsworth and Pyramid Lake.

On Plate V, the depth of the water during the highest stage of Lake Lahontan is given in feet. These determinations are mostly from aneroid measurements, and show the lake to have been about 500 feet deep over the Carson Desert, becoming shallow in its extension up the Humboldt Valley. On the Black Rock and Smoke Creek deserts the depth was from 500 to 524 feet. The deepest sounding in the old lake, however, as already stated, was at the present site of Pyramid Lake, where the depth was 886 feet.

While the various valleys composing the basin of Lake Lahontan are orographic in their character, the cañons of inflowing streams are largely due to erosion. All the rivers, as well as the smaller creeks that were tributary to the lake, flowed in deeply cut cañons, many of which were occupied for a long distance by the waters of the lake when it reached its maximum extent. These cañons will be more fully noticed in connection with the description of the Lahontan lake beds.

Lahontan was intermediate in area between Lake Erie and Lake Ontario, but was far less systematic in outline than either; in fact its boundaries were more irregular than any other lake, recent or fossil, that has been explored. As shown on the frontispiece, it was smaller than Lake Bonneville, and ranks as second in size of the Quaternary lakes of the Great Basin.

QUESTION OF OUTLET.

In studying the records of an ancient lake, one of the first questions to which it is desirable to find an answer is whether it overflowed or not; and if it did find an outlet, what are the characteristics of the channel of discharge. The importance of determining the nature of the channel of overflow of a fossil lake is illustrated in the case of Lake Bonneville, which, as is well known from Mr. Gilbert's investigations, rose until it overflowed at Red-Rock

120°
119°
118°
47°
46°
45°
REGION
PINE FOREST RANGE
SUSIN MTS.
SUSIN RIVER
LAKE LARONTAN
510
300
250
200
150
100
50
DESERT
DESERT
ANTELOPE ISLAND
ANTELOPE ISLAND
MT. DIABLO
MT. DIABLO
SAN EMIDIO DESERT
SAN EMIDIO DESERT
OWENS LAKE
OWENS LAKE
SIERRA NEVADA
SIERRA NEVADA
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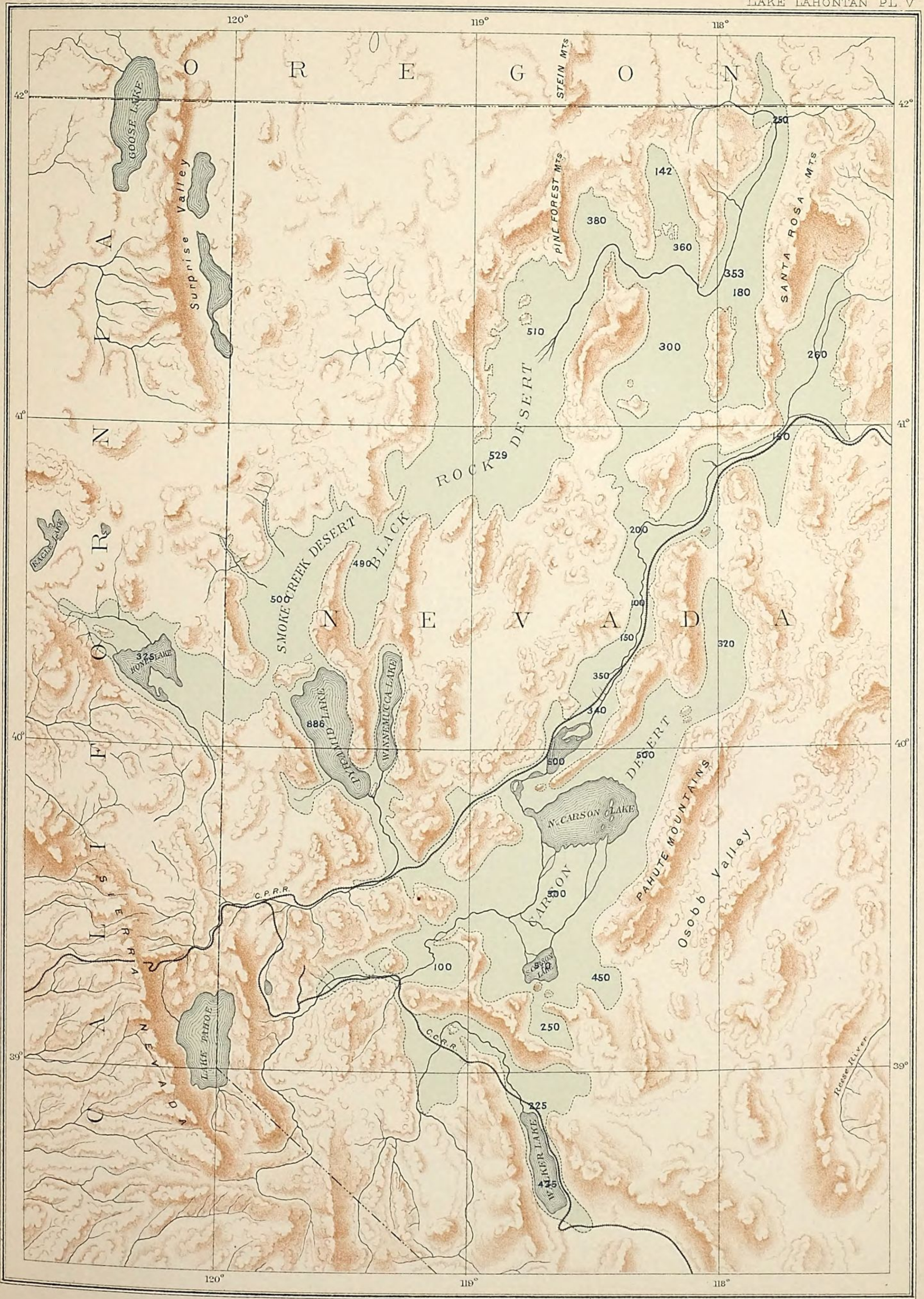

Julius Bien & Co. Lith.

DEPTH OF LAKE LAHONTAN AT HIGHEST WATER STAGE.

Soundings given in feet.

Scale: 29 miles = 1 inch

0 5 10 15 20 25 50 75 100

Pass, in Idaho, and then cut down its outlet to the depth of 370 feet. The level of the first point of discharge determined the horizon of the highest of the Bonneville terraces. The bottom of the gorge cut by the overflowing stream determined the level of the Provo Beach, the most strongly accented of all the Bonneville water lines.

As previous writers on Lake Lahontan have conjectured that there was an outlet at its southern end[13] this was the first portion to be explored when the present study was undertaken. On examining Gabb's Valley, it was fonnd that a mountain barrier intervened between it and the Lahontan basin to the northwest, thus proving that it was not occupied by that lake, and, moreover, was not included in its hydrographic basin. From the southern end of the Carson Desert a long narrow arm of the former lake extended into the desert valley which opens southward from Allen's Springs. The southern end of this valley is low and filled with alluvium which has been formed into gravel bars by the waters of Lake Lahontan; these sweep about the end of the basin in graceful curves, the highest in the series coinciding with the horizon of the highest water level of Lake Lahontan, thus proving conclusively that the lake did not here find an outlet.

The highest of the Lahontan beaches at the eastern end of Alkali Valley is far below the lowest part of Sand Spring Pass, which proves that Lahontan did not enter Fairview Valley through this gap.

The Lahontan beach may be traced with ease along the steep volcanic bluffs bordering the Carson Desert on the south, from Allen's Spring, to where the Carson River breaks through the range. The lake extended through the Carson River cañon and occupied Churchill Valley and the valley of the Carson River as far as Dayton. Opposite Old Camp Churchill there is a narrow gap in the hills bordering the valley on the south, which at first gives promise of having been an outlet of the ancient lake. On following up this valley we find it ascending with a low grade and opening through a narrow gap into Mason Valley, about which there are beach lines, showing that it too was once filled by a lake. The highest beach in Mason Valley is on a level with the top of a narrow divide which has been

[13] King: U. S. Geological Exploration of the Fortieth Parallel, Vol. I, p. 507. Whitney: Climatic Changes in Later Geological Time, p. 110. Memoirs of the Museum of Comparative Zoology of Harvard College, Vol. VII, No. 2.

out through by a stream that once flowed into Lahontan basin through the channel that opens opposite Old Camp Churchill. The lake which occupied Mason and Walker Lake valleys cut down its point of overflow about 85 feet, and discharged its waters northward. The bottom of the channel, thus formed, where it leaves Mason Valley is between 60 and 70 feet below the level of the Lahontan beach, as determined by measurements of level connected with the profile of the Carson and Colorado Railroad. These measurements indicate that Lake Lahontan did not extend into Mason Valley until after the channel cut by the overflow from that basin was formed. We know, however, that there has been considerable post Lahontan orographic movement in this region, and it seems not unlikely that the relative height of Mason Valley and the Lahontan beach along the Carson River, may have been changed since the evaporation of the former lake. It is, therefore, possible that Lahontan during its highest stage extended through the pass connecting Churchill and Mason valleys, before the present channel was excavated, and occupied Mason and Walker Lake valleys. The tufa deposits about Walker Lake, as will be explained in a future chapter, are of the same nature as the similar formations in the main areas of Lake Lahontan, and indicate that they were precipitated from waters of the same character.

After determining that Lake Lahontan did occupy Walker Lake Valley, we explored its ancient beaches, and found that the former lake extended only a few miles southward of the one which now fills the bottom of the basin. Well preserved gravel bars sweep around the southern end of the valley but do not reach the level of the pass leading south into Soda Springs Valley; at the end of this basin there is also a low pass that is uncut by stream erosion.

As the localities noticed above are the only ones on the southern border of the Lahontan basin that would suggest a possible outlet, the conclusion that the former lake did not overflow in that direction is positive.

In the northern part of the basin all the passes leading to the valleys draining into the Owyhee, one of the tributaries of the Columbia, were specially examined, as well as the divide between the northern end of the Black Rock Desert and Alvord Valley; at none of these places are there

channels of overflow. The divide at the northern end of the Black Rock Desert was the lowest point on the northern rim of the basin, but it was at least 200 feet above the Lahontan beach near at hand; moreover, the rim of the basin at this point was never cut by a transverse channel of erosion. This point was visited by Dr. James Blake in 1872, who determined its elevation to be "590 feet above the valley of Queen's [Quinn] River at the place where it makes a bend to the southwest, to lose itself in the Black Rock Desert."[14] Lake Lahontan at the point in Quinn River Valley designated by Dr. Blake, was 380 feet deep, thus furnishing additional evidence that the ancient lake did not attain the level of the pass in question.

During the topographic survey of the northern portion of the Lahontan basin the highest water line of the old lake was mapped with care and found continuous throughout. The lake extended into King River Valley which formed a complete *cul de sac*, with no opening except into the Black Rock Desert. At the head of Quinn River the bottom of the valley slopes upward until at the divide it is several hundred feet above the horizon of the Lahontan beach. The northern border of Paradise Valley was closely examined by Mr. Webster, and gave positive evidence that it was not a point of discharge for the old lake. During the progress of our work every point on the northern rim of the basin that could be suspected of having been low enough to allow the old lake to overflow was examined either by the writer or his scientific assistants, and found to be unbroken by a channel of discharge such as an overflowing lake must necessarily excavate.

It is important to keep in mind the absence of an outlet while reading Lahontan history, as it has a direct bearing on the character of the shore topography which records the extent of the lake at various stages, and furnishes the key to the chemical history of the waters which formerly flooded the basin.

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[14] Proceedings of California Academy of Sciences, Vol. IV, 1872, p. 276.

CHAPTER III.

PHYSIOGRAPHY OF THE LAHONTAN BASIN.

VALLEYS.

The region once occupied by Lake Lahontan is a typical portion of the great area of interior drainage of which it forms a part. The valleys throughout the region have an elevation of from 3,900 to 4,500 feet above the sea, and are approximately level plains that have been regions of accumulation for an indefinite period Separating the valleys are rugged and angular mountain ranges rising from a few hundred to four or five thousand feet above the adjacent lowlands The basin of the ancient lake, as well as the greater part of the region that drained into it, may with truth be called a desert country. The absolutely barren portions, however, with the exception of the mountain tops, are mostly confined to the Carson, Smoke Creek, and Black Rock deserts, which are completely destitute of vegetation over hundreds of square miles.

The smaller valleys, although mostly desolate and valueless for agriculture, are usually covered with a scattered growth of sage-brush and sometimes with other desert shrubs, and perhaps produce sufficient bunch-grass to form natural pastures. The soil throughout the valleys is usually more or less alkaline, but where water can be had for irrigation it is frequently found to be capable of producing good crops of grass and cereals.

The areas where irrigation has been successful are along the immediate banks of the Humboldt and Reese rivers, in the cañon of the Truckee, and narrow strips bordering the Carson and the Walker. Some portions of the

U. S. GEOLOGICAL SURVEY

Julius Bien & Co. Lith.

MAP SHOWING LAND CLASSIFICATION OF THE LAHONTAN REGION.

Scale: 25 miles = 1 inch

0 5 10 15 20 25 50 75 100

Arid | Agricultural | Forest | Grazing

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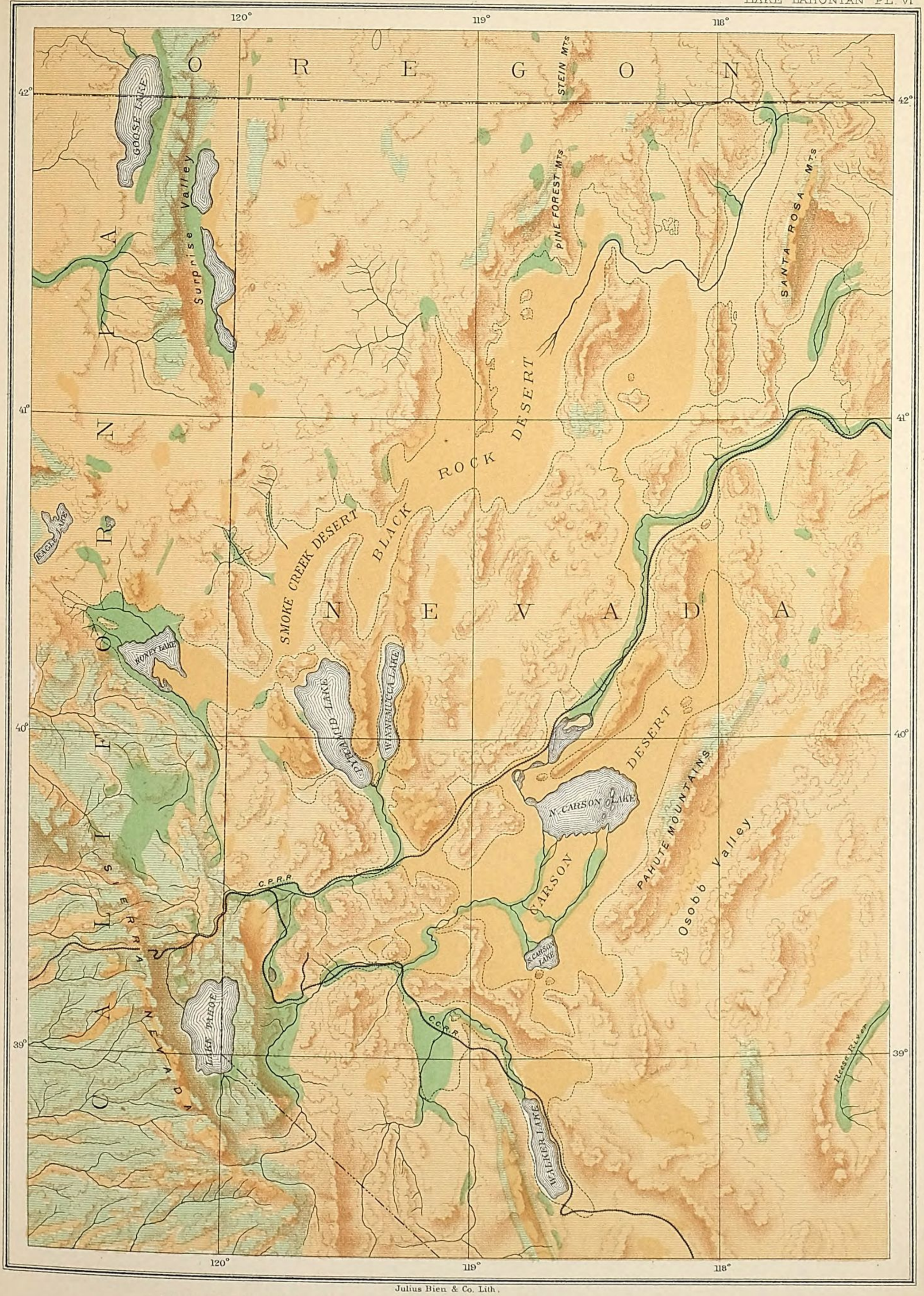

Julius Bien & Co. Lith.

MAP SHOWING LAND CLASSIFICATION OF THE LAHONTAN REGION.

Scale: 29 miles = 1 inch

0 5 10 15 20 25 50 75 100

Arid | Agricultural | Forest | Grazing

Carson Desert, so situated as to be conveniently watered from the Carson River, are also under irrigation. At a limited number of localities on the borders of the Black Rock Desert and in Quinn River Valley the water from springs and small mountain streams is used to irrigate gardens or a few acres of grain. In Mason and Honey Lake valleys there are swampy meadows of considerable extent adjoining irrigable lands where abundant harvests are annually secured.

The Central Pacific Railroad passes for 165 miles through the desiccated bed of the extinct lake, entering it a few miles east of Golconda and leaving it, on the west, in the Truckeè Cañon about 15 miles west of Wadsworth. Nearly all the villages in the basin are located along this highway, which furnishes supplies for a wide extent of country. The traveler in crossing western Nevada by rail for the first time will perhaps be impressed with its barren nature and perhaps conclude that it is unfit for human habitation. With the exception of Mason and Honey Lake valleys, however, it is the most fruitful portion of the Lahontan basin. A typical example of the deserts of Nevada may be seen from the track of the Central Pacific Railroad between Humboldt Lake and the Truckee River, including a glimpse of the Carson Desert to the southward of Humboldt Lake, which was once covered by 500 feet of water.

The Carson and Colorado Railroad also passes through a portion of the basin once occupied by Lake Lahontan. On going south from Dayton the traveler by this route follows a narrow valley formed in part by the erosion of the Carson River, and subsequently occupied by Lake Lahontan. Opposite the site of Camp Churchill the road bends abruptly southward and traverses a narrow pass leading to Mason Valley; from there it follows Walker River and the eastern shore of Walker Lake and crosses the southern extremity of the old lake margin at a point a short distance south of Hawthorn. Throughout this entire distance, with the exception of a short space in the Walker River Cañon, the road is below the level of the highest beach of the old lake.

MOUNTAINS.

The numerous narrow and rugged mountain ranges of the Lahontan basin, excepting in a few instances where they are scantily clothed with cedars and pine, are nearly as barren and desolate as the intervening sage-brush valleys. The Sierra Nevada, as is well known, supports varied and beautiful coniferous forests that are valuable for the timber and wood which they supply. The trees are mainly confined to the moderately elevated portions of the range, their upper limit or the "timber line" having an elevation of about 10,000 feet. The lower extent of arborescent vegetation, more especially of the pines, is apparently determined by lack of moisture, and along the eastern base of the Sierra Nevada occurs at an elevation of about 5,000 feet. The upper limit of timber-growth is invariably occupied by pines, which, owing to the severe winter climate of the elevated regions, are dwarfed and gnarled, and, at their extreme upper limit, extended prone on the mountain side. At widely separated points in the High Sierra, where exposed to the full fury of the winter storms, the branches and trunks of the pines are stripped bare of leaves and bark, and even eroded by the drifting ice-crystals to a considerable depth, thus recording a recent climatic change that has produced more severe storms than were experienced during the earlier history of the trees. King states that this recent climatic oscillation began previous to 1870, and was the first of its kind for over 250 years.[15]

In the northern part of the Lahontan basin the most conspicuous ranges are the Santa Rosa, Jackson, and Pine Forest. The first two of these are scantily clothed with cedars, above which rise the bare and rugged mountain crests; the third, on the western border of the northern extension of the Black Rock Desert, is covered over a limited area with a forest of yellow pine, from which the range derives its name. The mountains bordering on the Carson Desert on the east are dark with piñon, and afford to the Pahute Indians an abundant harvest of pine-nuts during certain seasons. On the precipitous mountains overshadowing Walker Lake on the west, there is a timber band, composed almost entirely of piñon, commencing about 1,000 or 1,500 feet above the lake, and extending upwards to within

[15] U. S. Geological Exploration of the Fortieth Parallel, Vol. I, p. 527.

1,000 feet of the highest summits. When seen from the eastern shore of the lake, this girdle of vegetation appears like a dusky cloud-band encircling the mountain; above which rise the bare and rugged peaks forming the crest of the range. Besides the coniferous trees the mountain mahogany and the cottonwood are common in some portions of the old lake basin. The former grows in the cañons and ravines of the mountains, while the latter is found mostly along the streams, whose courses it renders conspicuous by deep green foliage in summer, and the brilliant yellow of ripened leaves in autumn.

With the few exceptions we have mentioned, the mountains of the Lahontan basin are desert ranges, frequently brilliant in color, and present a diversity of tints that are astonishing to one reared beneath more humid skies, but lacking in the shades and shadows that vegetation alone can impart. In this region the mountains are nearly all of volcanic rocks, among which the deeply colored rhyolites are conspicuous. Still more diversified are the purple trachytes of many hues, and volcanic tuffs that vary through all shades and tints, from a pure white to a deep, luminous red. In contrast with these harlequin colors are sombre mountains and rugged cliffs of basalt, sometimes veiled and partially buried beneath dunes of soft, creamy sand. The traveler over the Carson and Colorado Railroad, while passing along the eastern shore of Walker Lake, cannot fail to be impressed with the gorgeous coloring of the rhyolite hills bordering the valley on the east, especially if his journey be made in the deepening twilight, when the splendor of the western sky is rivalled by the brilliant coloring of the silent and lifeless mountains. The West Humboldt Mountains, bordering Humboldt Lake on the east, are also remarkable for the great variety of beautiful tints that are inherent in the rhyolite and tuffs composing the range. The absolutely desert mountains stretching northward from Black Rock Point, and known as the Black Rock Mountains, are so gorgeous and varied in color that they merit the name of the Chameleon Hills. The nearly parallel range to the west of these mountains has been called the "Harlequin Hills," by Mr. Webster. The aptness of the name will no doubt be appreciated by every one who has seen those naked towers and domes of rhyolite and tuff at sun rise or at sunset, when their glories are fully revealed.

RIVERS.

The rivers that enter the Lahontan basin are the Humboldt, from the east, Quinn River, from the north, and the Truckee, Carson, and Walker, from the west and southwest. All these streams flow through partially filled cañons which bear evidence of having been excavated by stream erosion previous to the first rise of Lake Lahontan. These rivers, like most others in the Great Basin, vary greatly in volume during the year. In winter and spring they become broad, rapidly flowing floods of muddy water that overspread their banks, but during the dry season, from May to November, they shrink greatly in volume, and sometimes become dry for a large part of their course.

THE HUMBOLDT RIVER.

This river[16] rises on the eastern border of Nevada and flows westward for approximately 200 miles, and enters the Lahontan basin through a pass in the Sonoma Mountains, in latitude 41°. From this point it continues its course through Lahontan lake-beds for nearly 100 miles to Humboldt Lake. Throughout the dry season this is usually its terminus, but during the winter months the lake frequently overflows, and the river continues to North Carson Lake ("Carson and Humboldt Sink"), where its waters are evaporated. The Humboldt before entering the Lahontan basin receives a number of tributaries, the largest being Reese River, which enters from the south. During the summer and fall many of these streams, including Reese River, fail to reach the main channel, their waters being dissipated by evaporation or absorbed by the thirsty soil. In its course through the Lahontan lake-beds between Golconda and Humboldt Lake, the river has carved a cañon, in places 200 feet deep, since the recession of the former lake. The material removed in cutting this channel has been deposited in the northern part of Humboldt Lake, and has contributed largely to the formation of a broad low-grade delta that is already partially converted into rich meadow-lands.

[16] Named Humboldt by Frémont, but was previously known as Mary's, or Ogden River. See Frémont's Geographical Memoir upon Upper California, Washington, 1848, page 10.

Two measurements were made of the volume of the Humboldt, one on September 10, 1881, the second July 17, 1882; the former gave 48 and the latter 750 cubic feet per second. When the first measurement was taken the river was at its lowest stage for the year. At the time of the second measurement it was flooded, and heavy with sediment, but had fallen three feet below the line that recorded its highest rise; two weeks later its discharge had decreased nearly one half.

An analysis by Dr. T. M Chatard of the water of the Humboldt, collected November, 1882, near Stone House, just before the river enters the Lahontan basin, is given below.

Constituents.	One liter of water contains, in grammes—	Per cent. in total solids.	Constituents.	Probable combination (in grammes per liter).
Silica (SiO_2)	0.0326	9.03	Silica (SiO_2)	0.0326
Alumina (Al_2O_3)	0.0013	0.37	Alumina (Al_2O_3)	0.0013
Calcium (Ca)	0.0489	13.53	Calcium carbonate ($CaCo_3$)	0.1222
Magnesium (Mg)	0.0124	3.46	Magnesium carbonate ($MgCo_3$)	0.0434
Potassium (K)	0.0100	2.77	Potassium chloride (KCl)	0.0157
Sodium (Na)	0.0467	12.92	Potassium carbonate (K_2CO_3)	0.0046
Sulphuric acid (SO_4)	0.0477	13.12	Sodium sulphate (Na_2So_4)	0.0705
Chlorine (Cl)	0.0075	2.08	Sodium carbonate (Na_2Co_3)	0.0550
	0.2071	57.28	Total (95.52 per cent. accounted for)	0.3453
Carbonic acid (CO_3) by difference	0.1544	42.72		
Total	0.3615	100.00		

If excess of CO_3 above amount required for Na_2Co_3 be calculated as $NaHCo_3$, we will have 0.3453 less Na_2Co_3 (0.0550) $=0.2903$
$Na_2Co_3 = 0.0200$
$NaHCo_3 = 0.0512$
Total..0.3615

An analysis of the water of Humboldt Lake is given on page 67.

QUINN RIVER.

Quinn River is formed by the union of many brooks that have their sources on the Santa Rosa Mountains and on the eastern slope of the Quinn River Range. It flows south for about fifty miles down Quinn River Valley and then turns abruptly westward, and continues its course until the northern end of the Jackson Range is passed; it then flows southward again and enters the Black Rock Desert. During the spring months, while the snow on the mountains is melting, this is a good-sized river, and has a swift muddy current. At Mason's Crossing, some 75 miles from its source, it is

reported to be impassable for horsemen for a number of days together during the high-water stage. At this season its waters form a shallow lake of variable size, on Black Rock Desert, that is said, at times, to be 50 or 60 miles long by 20 broad. As the dry season advances, this playa lake evaporates, leaving a vast mud-plain; the river at the same time shrinking back 75 or 100 miles. During the highest stages of Lake Lahontan, Quinn River had no existence, the greater part of its valley being occupied by an arm of the lake.

TRUCKEE RIVER.

The Truckee River has its source in the overflow of Lake Tahoe and is of greater purity and subject to less fluctuation than any other stream that enters the Lahontan basin. The lake which gives it birth is situated at an elevation of 6,247 feet[17] amid the peaks of the Sierra Nevada; from this reservoir the water descends with a fall of 2,466 feet,[18] to Pyramid and Winnemucca lakes, where it is evaporated, leaving the lower lakes alkaline and saline. The river is quite largely used for irrigation in the neighborhood of Reno, and to a small extent between Reno and Wadsworth. A few miles from Pyramid Lake a good-sized ditch has recently been constructed for the irrigation of the lands of the Indian reservation.

An analysis of the waters of Lake Tahoe, by Prof. F. W. Clarke, which may be considered as representing the normal condition of the Truckee River, is given herewith:

Constituents.	One liter of water contains, in grammes—	Per cent. in total solids.	Constituents.	Probable combination (in grammes per liter).
Silica (SiO_2)	0.0137	18.77	Silica (SiO_2)	0.0137
Magnesium (Mg)	0.0030	4.11	Magnesium carbonate ($MgCo_3$)	0.0105
Calcium (Ca)	0.0093	12.74	Calcium carbonate ($CaCo_3$)	0.0232
Sodium (Na)	0.0073	10.00	Sodium chloride (NaCl)	0.0012
Potassium (K)	0.0033	4.52	Potassium chloride (KCl)	0.0034
Chlorine (Cl)	0.0023	3.14	Sodium sulphate (Na_2So_4)	0.0052
Sulphuric acid (SO_4)	0.0054	7.40	Potassium sulphate (K_2So_4)	0.0034
	0.0443	60.68	Sodium carbonate (Na_2Co_3)	0.0117
Carbonic acid (CO_3) by difference	0.0287	39.32	Total (99.04 per cent. accounted for)	0.0723
Total	0.0730	100.00		

[17] Determined by Pacific Railroad surveys.

[18] Elevation of Pyramid Lake, 3,781 feet. See *postea*, page 101.

The sample, the analysis of which is reported, was collected in October, 1882, on the eastern border of the lake near Glen Brook, one mile from shore and one foot below the surface.

The most interesting feature to the geologist in the present condition of the Truckee River is its bifurcation shortly before reaching Pyramid Lake. As represented on Plate IX, the stream divides so as to deliver a part of its waters to Pyramid Lake and a part to Winnemucca Lake. The branch entering Pyramid Lake has the ordinary features of a river winding through an alluvial bottom, and has formed a low-grade delta of broad extent, as shown on the map. The waters that are tributary to Winnemucca Lake leave the main stream at nearly a right angle and flow through a deep narrow channel carved in Lahontan sediments. This stream, or "slough," when measured in September, 1882, had a volume of 2,400 cubic feet per second From the manner in which the bifurcation takes place it cannot be considered as the breaking up of a stream on a delta or an alluvial slope, as in the case of the Carson River after entering the Carson Desert, but must have been originated by the waters overflowing from Pyramid to Winnemucca lakes, or *viee versa*. This matter, however, will receive further consideration in connection with the fluctuation of Pyramid and Winnemucca lakes (page 63).

CARSON RIVER.

The Carson River rises on the eastern slope of the Sierra Nevada, south of Carson City, and, after flowing 60 or 70 miles, enters the Lahontan basin through a deep cañon at Dayton. From this point to the Carson lakes its course is through a channel carved in Lahontan lake-beds. Near its mountain source its waters are fresh and pure, as mountain streams usually are, but in passing through Carson and Eagle valleys, once occupied by Quaternary or late Tertiary lakes, its waters become somewhat impregnated with soda salts, and in its course through Lahontan lake-beds this percentage is increased. The waste from a large number of stamp-mills now pollutes the river to such an extent that it was not thought desirable to have its waters analyzed. The valley of the Carson from Eagle Valley to Carson Desert was largely excavated by stream erosion in pre-Quaternary times,

as is shown by the fact that from Dayton to the Carson Desert it was occupied by the waters of Lake Lahontan. During the existence of the lake the valley became deeply filled with lake sediments and delta deposits, which were re-excavated as the lake fell. The present gorge is the work of the second period of excavation The structure of the cañon between Churchill Valley and the Carson Desert is represented in the following ideal section, which shows the older cañon in volcanic rock partially filled with lacustral sediment, and the second carved out of stratified lake-beds.

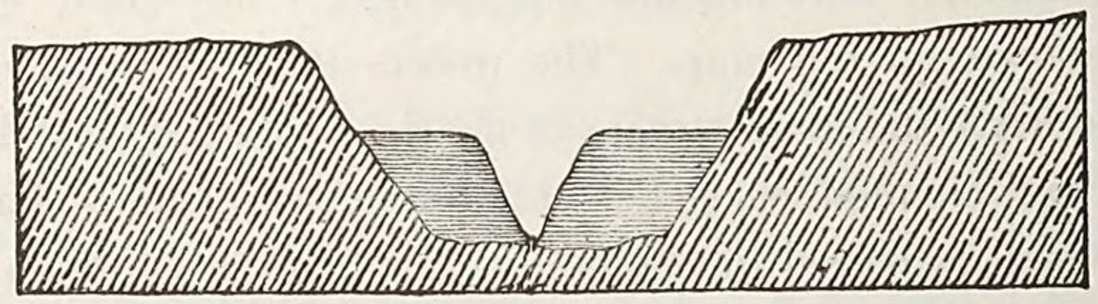

FIG. 5.—Ideal cross-section of Carson River Cañon, Nevada.

Measurements of the volume of the Carson River at Old Camp Churchill, July 1, 1881, gave between 450 and 500 cubic feet per second as the volume of the stream; in September, 1883, the discharge was less than half this amount.

The bifurcation of the Carson River after entering the Carson Desert is represented on the accompanying map (Plate VII). For the history of the changes that the river has undergone during the last few years I am indebted to some of the early pioneers, who made this region their home. Previous to 1862 it flowed into the South Carson Lake, but there was an abandoned channel branching from it and leading northward. During a time of unusually high water in the spring of 1862 the river bifurcated, the old channel was reoccupied, and a branch flowed to each lake. The point at which the river divided is indicated on the map by the date 1862. Previous to that time there was a "slough" connecting the North and South Carson lakes through which the waters flowed northward. After the forking of the stream the South lake was lowered so that it no longer overflowed, and the water in the slough became stagnant. Another flood occurred in the spring of 1867 or 1869, which caused the arm emptying into North Carson Lake to branch and send a stream eastward to the slough. The last-

...is shown by the fact that from Dayton to the Carson Desert is ...
...filled by the waters of Lake Lahontan. During the existence of ...
...the valley became deeply filled with lake sediments and delta ...
...which were re-excavated as the lake fell. The present ...
...of the second period of excavation. The structure of the ...
...Churchill Valley and the Carson Desert is represented in the ...
...section, which shows the older canon in volcanic rock partly ...
...fluviatral sediment, and the second carved out of stratified lake ...

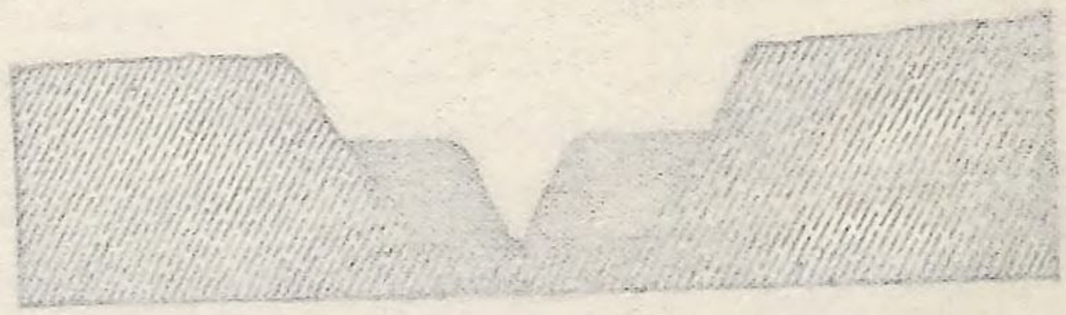

FIG. 5.—Ideal cross-section of Carson River Canon, Nevada.

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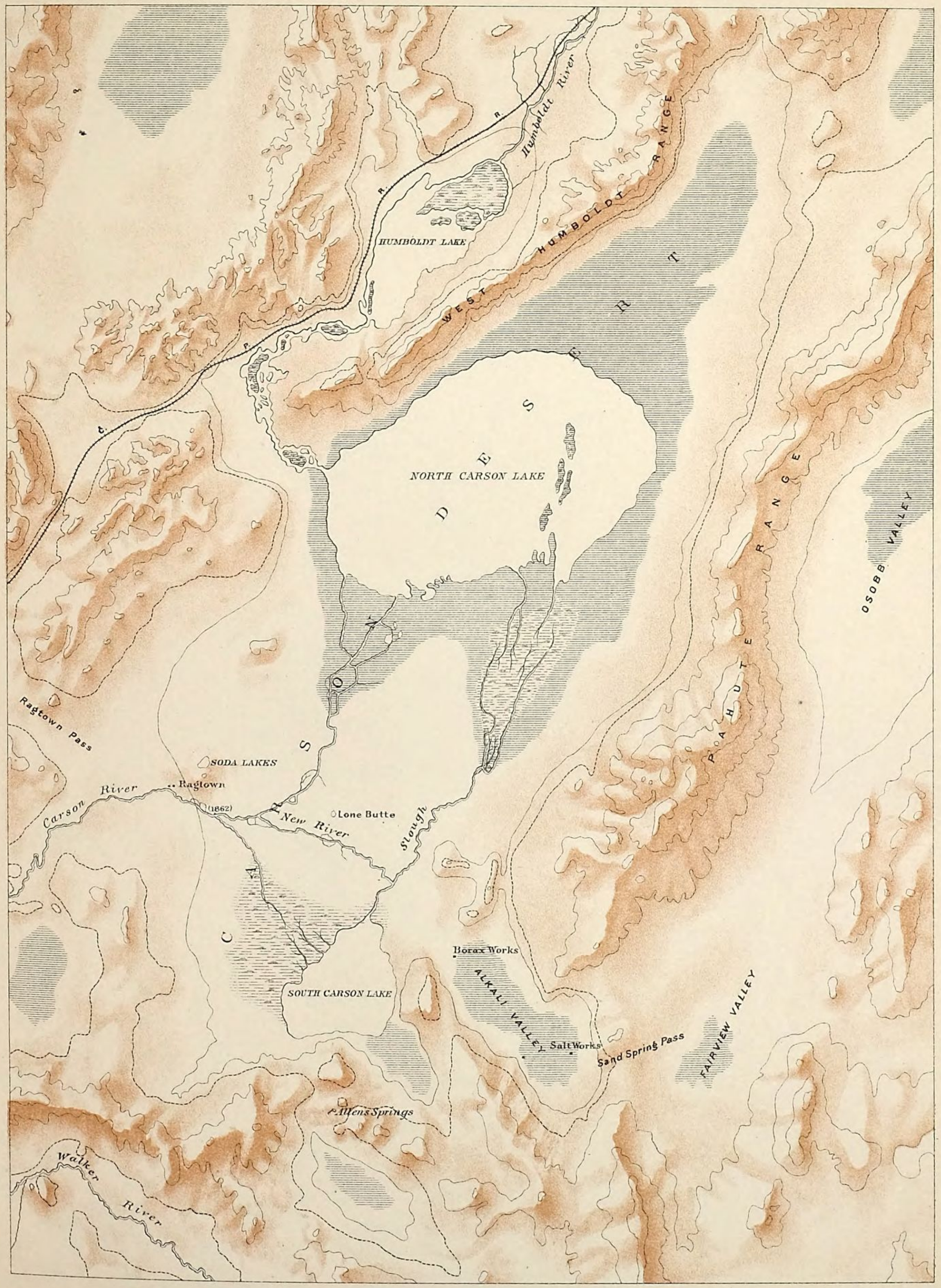

Julius Bien & Co. Lith.

Lahontan Beach

Playas

CARSON DESERT, NEVADA.

Interval between Contours 1000 feet.

Scale of Miles.

5 4 3 2 1 0 5 10 15 20

formed channel is still occupied, and is known as "New River." This distribution of the waters of the Carson still continues, but is regulated, at least in part, by slight willow dams at the points of bifurcation. Since 1862 the slough connecting the two lakes is reported to have reversed its current in some instances, according as the water in the North or South Lake was the higher. In June, 1859, the water in the slough was reported by Captain Simpson to be 50 feet wide and 3 or 4 feet deep, and flowing northward with a strong current.[19] In September, 1866, Lieut. R. Birnie[20] states that the waters were sluggish, with scarcely a perceptible flow. In June, 1881, I found the volume of water about the same as reported by Simpson in 1859, and flowing northward with a well-marked current. In September, 1883, the slough was low, and did not exhibit any motion; South Carson Lake at the same time was very shallow, much of it presenting the appearance of a swamp.

While viewing the Carson Desert from the surrounding mountains one may trace, as on a map, the various branches of the river meandering through the monotonous plain, by the lines of vivid green cottonwood trees that mark their courses.

WALKER RIVER.

This stream rises on the eastern slope of the Sierra Nevada in two main branches between which there is a grand mountain mass known as the Sweetwater Range. The east fork of the Walker River receives the drainage from the eastern slope of the Sweetwater Range, and from the western slope of the less picturesque Wassuck or Walker River Range. The west fork flows at the base of the main range of the Sierra Nevada, and once formed a chain of small lakes, probably of Tertiary age, which cut deep channels of discharge and were drained dry. These basins are now level-floored valleys, connected by narrow and almost impassable cañons. The two branches of Walker River unite a little below the point where they formerly entered Lake Lahontan, and thence flow through Mason and Walker River valleys to Walker Lake. At the north

[19] Exploration Across the Great Basin of Utah, Washington, D. C., 1876, p. 85.
[20] Annual Report of the Chief of Engineers, U. S. A., 1877, p. 1264.

end of Mason Valley the river bends abruptly southward, at the same time increasing the depth of its channel, which soon becomes a cañon through lake-beds similar to the ones carved by the Humboldt and the Truckee. Captain Simpson reports the Walker River near its mouth to have been about 100 yards wide and from 6 to 10 feet deep on June 7, 1859.[21] A measurement of the volume of the river about 3 miles from its mouth, June 4, 1881, gave 400 cubic feet per second as the rate of flow. In October of the following year its bed was dry, and little, if any, water reached the lake from this source. This decrease during the dry season is evidently due in a great measure to the extensive use of its waters for irrigation in Mason Valley. As a rough average, the data at hand being inexact, I have assumed 200 cubic feet per second, or 700,000,000 cubic yards annually, as the approximate discharge. An analysis of a sample of water collected October, 1882, at a point just below where the main branches of the river unite, is reported by Prof. F. W. Clarke, as follows:

Constituents.	One liter of water contains, in grammes—	Per cent. in total solids.	Constituents.	Probable combination (in grammes per liter).
Silica (SiO_2)	0.0225	12.50	Silica (SiO_2)	0.0225
Calcium (Ca)	0.0228	12.66	Calcium carbonate ($CaCO_3$)	0.0570
Magnesium (Mg)	0.0038	2.12	Magnesium carbonate ($MgCO_3$)	0.0133
Potassium (K)	Trace.		Sodium chloride (NaCl)	0.0216
Sodium (Na)	0.0318	17.67	Sodium sulphate (Na_2SO_4)	0.0421
Chlorine (Cl)	0.0131	7.28	Sodium carbonate (Na_2CO_3)	0.0224
Sulphuric acid (SO_4)	0.0284	15.77	Total (99.39 per cent. accounted for)	0.1789
	0.1224	68.00		
Carbonic acid (CO_3) by difference	0.0576	32.00		
Total	0.1800	100.00		

The measurements of the volumes of the rivers of the Lahontan basin at different seasons indicate the great fluctuations to which the drainage in a desert country is subject. The rivers are flooded during the winter and spring—which includes the rainy season, and also the time when the mountain snows are melting most rapidly—and diminish greatly in volume during the parched and arid summer months. The Truckee River is an exception to this rule, as it is the overflow of a great reservoir, Lake Tahoe,

[21] Explorations Across the Great Basin of Utah, Washington, D. C., 1876, p. 87.

which serves to equalize its volume, as well as to clear its waters of impurities in suspension. A knowledge of the composition of the rivers entering the Lahontan basin and their average volume enables one to estimate roughly the amount of mineral matter in solution that these streams are now contributing to the lakes that they supply. This subject will be reverted to in discussing the chemical history of Lake Lahontan.

SPRINGS.

Springs have been grouped with reference to their mode of occurrence, in two convenient classes: (*a*) Hillside springs and (*b*) Fissure springs.

Hillside springs are usually formed by the gathering of percolating meteoric waters in inclined porous strata, which alternate with less pervious beds, and outcrop on a hillside or among mountains in such a manner as to afford an escape for the subterranean waters. The source of the water forming hillside springs is in the rainfall of the immediate neighborhood. They are commonly small, and their temperature is approximately the same as the mean temperature of the locality at which they are found. Springs of this class are usually agreeable to the taste and useful for domestic purposes, for the reason that they are seldom highly charged with mineral matter.

In western Nevada the conditions favoring the formation of hillside springs are almost entirely absent. The rocks throughout the region are very largely volcanic without definite stratification, and the rainfall is limited to a few inches annually. Owing to these unfavorable conditions, there are no springs of this class in the Lahontan basin to claim our attention.

Fissure springs occur where the earth's crust has been broken, usually with some displacement, to a great depth. Their water supply, as in the first instance, is from meteoric sources, but is derived from regions remote from the point of discharge. Owing to the depth to which the water of fissure springs frequently descends during its subterranean passage, it is commonly highly heated and not unfrequently reaches the surface with the temperature of boiling water. The heat and the great pressure to which the

water is subjected during its underground passage render it an active solvent. Hot springs are therefore frequently charged with a great variety of mineral substances in solution.

The Lahontan basin, in common with the entire northern half of the Great Basin (the southern portion not being so thoroughly explored), is remarkable for the number of springs which rise from a great depth through fissures. These almost invariably occur along lines of displacement, and range in temperature from 50° or 60° F. up to the temperature of boiling water for the elevation at which they occur.

The springs of the Lahontan basin are indicated on the accompanying map, Plate VIII; their maximum temperature when known being shown by figures in red.

As springs performed an important part in the history of Lake Lahontan, we shall devote a few pages to the description of those now rising in its basin. A knowledge of the phenomena they now present will assist in interpreting the records of the similar springs that flowed long ago.

Beginning at the south, the first group of springs requiring notice is found in the northern part of Mason Valley, about one mile northward of Wabusca station. These springs occur in circular basins, sometimes at the tops of low mounds, and are of all degrees of temperature, from about the mean of the region up to 162° F. The water flowing from them is clear and sparkling, but is somewhat alkaline to the taste, and contains a small percentage of sulphate and carbonate of soda, common salt, etc. The water collecting in small basins on the desert is evaporated, and has formed a saline deposit of considerable extent, a section of which is given below:

White, hard crust of sulphate of soda, with common salt, some calcium carbonate, etc ..... inches.. 1–2
Soft, mealy or clayey deposit of sodium sulphate, calcium carbonate, calcium sulphate, etc ..... inches.. 2–7
Clear transparent crystals of sodium sulphate, with some earthy impurities, resting on saline clay ..... feet.. 6–8

The surface of the desert about the more abundant accumulation of salts is covered over a large area with a white saline efflorescence. These springs occur in an east and west line, that coincides with the course of a

120°
119°
118°
42°
OREGON
Goose Lake
Warner Mts.
Sand Hill
Sheep Head Sp.
Rattlesnake Sp.
Deep Hole Sp.
Cranbeck Sp.
Middle Sp.
Fish Sp.
Sound Hole Sp.
(Salt)
Hot Sp.
(Alk.)
Buffalo Alk.
Warm Sp.
(Saline)
Mountain Sp.
(Cold)
Rock Sp.
(Cold)
Granite Sp.
(Cold)
SMOKE
BLACK ROCK DESERT
QUINN RIVER VALLEY
DESERT
Quinn River
Double Sp.
Alk.
Fahrenheit Temperature
Scale of Miles to the Inch
50
75

underground passage render it an active
frequently charged with a great variety

with the entire northern half of the
portion not being so thoroughly explored), is
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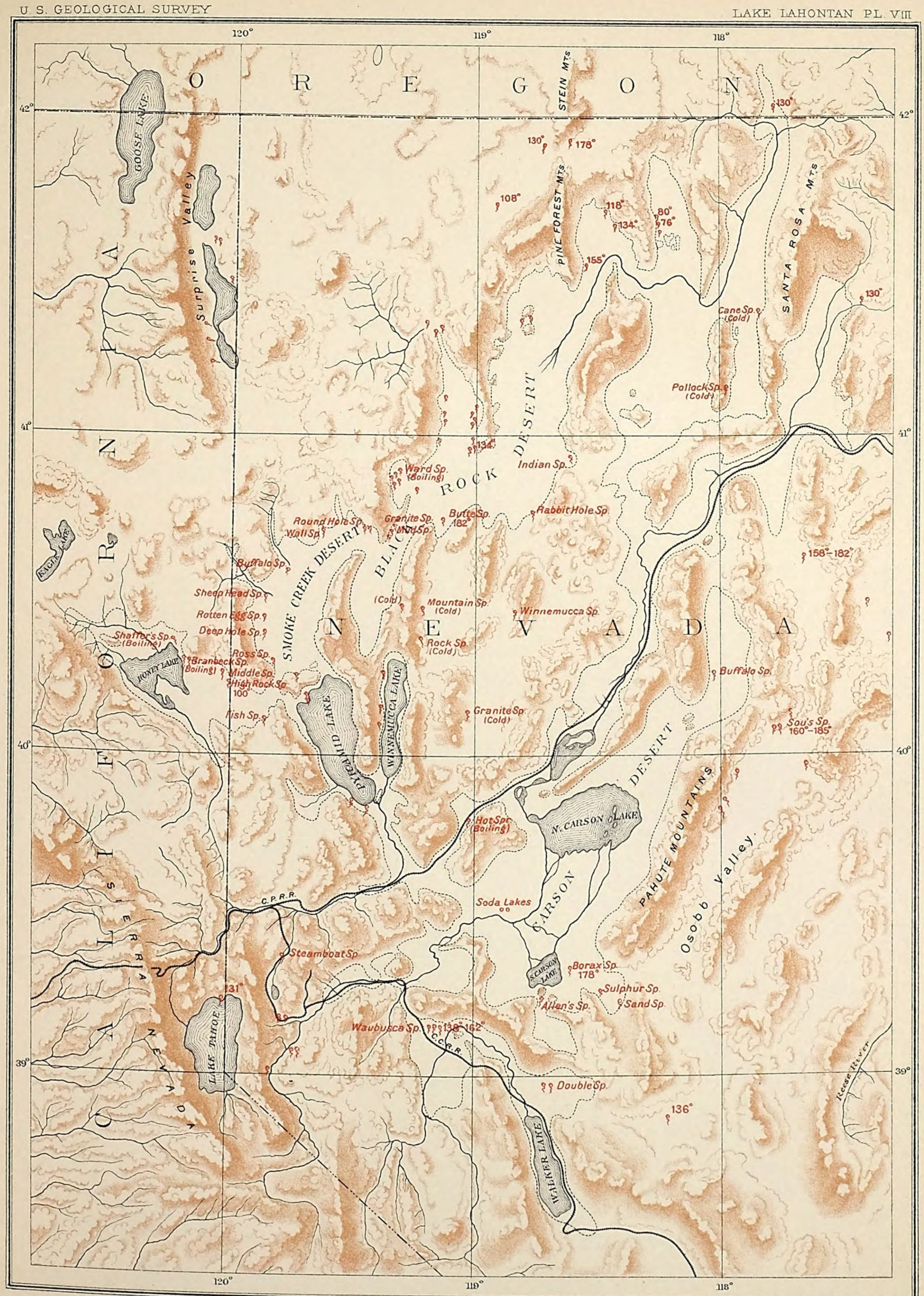
The water flowing from them is clear
alkaline to the taste, and contains a small
carbonate of soda, common salt, etc. The water
on the desert is evaporated, and has formed a
considerable extent, a section of which is given below:

Surface soil, consisting of sulphate of soda, common salt, some calcium carbonate, and clay	inches..	1–2
Layer of clayey deposit, containing sulphate, calcium carbonate, calcium chloride, etc	inches..	2–7
Layer of transparent crystals of sulphate, with some earthy impurities, resting on the sediments	feet..	6–8

The surface about the more abundant accumulation of
with a white saline efflorescence. These
line, that coincides with the course of a



Julius Bien & Co. Lith.

Existing Springs.

SPRINGS OF THE LAHONTAN REGION.

Fahrenheit Temperature

Scale: 29 miles = 1 inch

0 5 10 15 20 25 50 75 100

post-Lahontan fault which is plainly shown by an irregular scarp, in some places 20 feet high.

Allen's Springs are situated on the southern border of South Carson Lake at the base of a high basaltic butte which once formed an island in Lake Lahontan. These springs at present are very small, the discharge at the surface being less than half a gallon per minute. In this desert country even this meager supply is important, as it is the only drinkable water within a radius of over twenty miles. These springs are of interest to the geologist because of their antiquity. The amount of yellowish, porous, tufa deposited about them indicates that the flow of water was formerly more copious than at present, and at various times has issued from a number of orifices. Much of the tufa that is plainly a spring deposit is incrusted with thinolite and dendritic tufa which we know was precipitated from the waters of Lake Lahontan, and shows that the springs were in existence at least as early as the middle Lahontan period.

The Hot Spring, at Hot Spring station on the Central Pacific Railroad, as shown by Dr. T. M. Chatard's analysis, has the following composition:

Constituents.	One liter of water contains in grammes—	Per cent. in total solids.	Constituents.	Probable combination (in grammes per liter).
Silica (SiO_2)	0.2788	11.14	Silica (SiO_2)	0.2060
Aluminum (Al)	0.0010	0.04	Sodium silicate ($NaSiO_3$)	0.1480
Calcium (Ca)	0.0305	1.23	Aluminum sulphate ($Al[SO_4]_3$)	0.0063
Magnesium (Mg)	0.0010	0.04	Calcium sulphate ($CaSO_4$)	0.1037
Potassium (K)	0.0669	2.69	Magnesium sulphate ($MgSo_4$)	0.0050
Lithum (Li)	Trace.	Trace.	Sodium sulphate ($NaSo_4$)	0.4039
Sodium (Na)	0.7743	31.04	Sodium chloride (NaCl)	1.4946
Chlorine (Cl)	0.9679	38.79	Potassium chloride (KCl)	0.1278
Sulphuric acid (SO_4)	0.3555	14.25	Total	2.4953
Oxygen* in SiO_3	0.0194	0.78		
Total	2.4953	100.00		

* Extra oxygen in silicate.

No carbonic acid in residue left by evaporation.

At a number of orifices the waters of this spring issue in a state of active ebullition. When the openings become obstructed the steam escapes with a hissing and roaring sound. The spring occurs in a line of recent faulting, and has evidently been crowded southward as the deposits from the waters closed the previous channels of discharge. On cooling, an

abundant deposit, consisting principally of common salt and sodium sulphate, is found. At one time these waters were thought to contain sufficient boracic acid to be of economic importance, and an attempt was made to separate it, but the experiment was a failure. There is no evidence to show that this spring was active during the existence of Lake Lahontan.

A number of small springs, some of which are warm, occur on the west side of Winnemucca Lake. Farther northward small springs of pure cold water have been found on both sides of the Selenite Range.[22] Near the north end of this range, but isolated from it, stands Hot Spring Butte, once a small island in Lake Lahontan. The butte derives its name from a copious spring with a temperature of 180° F. which discharges about 20 gallons per minute. The water flows northward for about a mile, and forms a shallow pool in the desert, where it is evaporated. Other hot springs occur northward of Hot Spring Butte, near the southern end of the Jackson Range.

Numerous copious springs of all temperatures, from the mean of the region up to the boiling point of water, come to the surface along the western border of the Lahontan basin, from Honey Lake Valley to the Oregon boundary. The majority of these have formed circular basins that are filled with beautifully clear water, and are sometimes of great depth, as in the case of Deep Hole, Round Hole, and the group at the east end of Granite Mountain. The bottoms of the basins are usually of flocculent mud, through which the water issues, frequently accompanied by bubbles of gas. In common with very many other hot springs, these basins are lined with deep green confervoid growths. Many of the springs in the belt indicated exhale sulphurretted hydrogen, and deposit amorphous, calcareous tufa In one instance silicious sinter is precipitated as the water cools. All the springs in this belt occur either on fault lines that have been disturbed by orographic movement since the withdrawal of the waters of Lake Lahontan, or are very closely related to such lines of displacement.

[22] This range is about 30 miles long and extends from the north end of Winnemucca Lake to Hot Springs Butte; it is structurally distinct from the Natches or Truckee Range, which follows the eastern shore of Winnemucca Lake. I have named it in reference to extensive deposits of crystallized gypsum or selenite that outcrop along its western border.

The character of these recent faults will be described in the chapter devoted to post-Lahontan orographic movements.

The springs in this belt are too numerous to receive detailed description, and we can only notice a few of the most important ones. The most copious single spring in the series occurs near the northern shore of Honey Lake, designated as Schaffer's Spring on the accompanying map, and discharges about 100 cubic feet of boiling water per minute. The ebullition is so energetic that the water is thrown in a column to the height of 3 or 4 feet. An analysis of this water by Dr. T. M. Chatard shows the following composition:

Constituents.	One liter of water contains in grammes—	Per cent. in total solids.	Constituents.	Probable combination (in grammes per liter).
Silica (SiO_2)	0.1310	12.83	Silica (SiO_2)	0.1008
Calcium (Ca)	0.0121	1.18	Sodium silicate (Na_2SiO_3)	0.0613
Magnesium (Mg)	0.0004	0.04	Calcium sulphate ($CaSO_4$)	0.0409
Sodium (Na)	0.3040	29.78	Magnesium sulphate ($MgSO_4$)	0.0020
Potassium (K)	0.0094	0.92	Sodium sulphate (Na_2SO_4)	0.4715
Chlorine (Cl)	0.2070	20.27	Potassium chloride (KCl)	0.0180
Sulphuric acid (SO_4)	0.3492	34.19	Sodium chloride (NaCl)	0.3266
Oxygen* (O)	0.0080	0.79	Total (99.93 per ct. accounted for)	1.0211
Total	1.0211	100.00		

* Oxygen necessarily added to form Na_2SiO_3. A slight trace of Co_2 in residue left on evaporation.

This spring occurs at the southern end of a long row of tufa crags, fully 50 feet high and somewhat greater in breadth, a few of which still have small springs issuing from their bases. The tufa at the base of the crags, and forming the nucleus of the deposit, is amorphous, but is coated with a heavy deposit of the dendritic variety hereafter to be described. The former was a direct precipitate from spring water, but the latter was as plainly deposited from the former lake. The evidence is such as to lead to the conclusion that this spring was fully as copious during the existence of Lake Lahontan as now, and that its point of discharge was crowded southward along a fissure as its former outlets became filled with calcareous tufa deposited from its own waters.

About 5 miles southeastward of the spring described above occurs a group of springs covering several acres and discharging a very large volume of heated water, which issues at so many orifices that no estimate of

the total outflow could be obtained. At a number of points the temperature of the water approximates to the boiling point, and, on cooling, deposits a limited quantity of calcareous tufa. A qualitative examination indicates that these springs have about the same chemical composition as the water of Schaffer's Spring, an analysis of which is given above.

High Rock Spring, situated 5 miles eastward of the group described in the last paragraph, occurs at the base of large tufa crags of Lahontan date, and has a temperature of 100° F. Its waters are used for irrigation, and are inhabited by both fish and mollusks. This spring is evidently of considerable antiquity, as the tufa crags deposited from its waters are coated with heavy layers of calcium carbonate that have a dendritic structure and were without question deposited from the lake waters which once flooded the valley.

None of the numerous springs on the western border of Smoke Creek Desert are remarkable for their high temperatures, but a number are thermal, and nearly all bear indications of having been hot springs at some former time. There is no evidence that any of these springs were in existence during the time when Lake Lahontan covered the desert.

On the border of the desert at the eastern end of Granite Mountain a group of circular basins filled with heated waters from a subterranean source covers a considerable area. A number of these basins furnish water of wonderful transparency, which overflows to the eastward, and on evaporating leaves a saline incrustation that covers many acres. Others occur in the tops of low mounds and are caldrons of boiling mud that occasionally erupt and discharge their tenacious contents to a distance of 30 or 40 feet. This group is known as the Mud Springs.

The most copious outflow of hot water in the Lahontan basin occurs in a small embayment of the ancient lake a few miles north of Granite Mountain. This is a group of springs several acres in extent which fill circular basins in the tops of low mounds that have been formed to some extent by spring deposits, but are largely composed of vegetable growths mingled with æolian sand and dust. These springs vary through all degrees of temperature, from 50° to 60° F. up to that of boiling water, and their discharge forms a creek of heated water of considerable size that pours into

a deep basin and becomes ponded before spreading out over the desert and evaporating. Many of the basins in this group are lined with amorphous calcareous tufa; and one, filled with boiling water, is depositing both silica and tufa. The siliceous sinter precipitated from these waters is gelatinous at first, but soon hardens and forms mushroom-shaped scollops which fringe the sides of the basin and the margins of the channel of discharge. The deposition of silica takes place quite rapidly as the water cools, and in some instances imprisons insects that have been killed by venturing into the boiling waters.

An analysis by Dr. T. M. Chatard of one of the most typical of the springs in the group described briefly above, from which calcareous tufa is being deposited, is given below:

Constituents.	One liter of water contains in grammes—	Per cent. in total solids.	Constituents.	Probable combination (in grammes per liter).
Silica (SiO_2)	0.1136	9.60	Silica (SiO_2)	0.0180
Calcium (Ca)	0.0367	3.10	Sodium silicate (NO_2SiO_3)	0.1942
Magnesium (Mg)	0.0034	0.29	Calcium sulphate ($CaSO_4$)	0.1247
Sodium (Na)	0.3554	30.03	Magnesium sulphate ($MgSO_4$)	0.0170
Potassium (K)	0.0191	1.61	Sodium sulphate (Na_2SO_4)	0.4267
Lithium (Li)	Trace.	Trace.	Potassium chloride (KCl)	0.0363
Chlorine (Cl)	0.2396	20.25	Sodium chloride (NaCl)	0.3665
Sulphuric acid (SO_4)	0.3901	32.97	Total (99.43 per ct. accounted for)	1.1834
Oxygen* (O)	0.0255	2.15		
Carbonic acid (CO_3)	Trace.	Trace.		
Total	1.1834	100.00		

*Oxygen necessarily added to form Na_2SiO_3.

Hot springs of considerable volume occur in groups near the southern end of Black Rock Point and along both the eastern and western borders of the Black Rock Range, and also on the borders of the desert at the eastern base of the Pine Forest Range. Continuing northward, the belt of hot springs we have been tracing is represented in Pueblo Valley by two steaming caldrons, and at the eastern base of Stein Mountain other outlets of a similar nature have been examined. Nearly every spring throughout the entire region between Honey Lake Valley, California, and Alvord Valley, Oregon, a distance of over 200 miles, has been observed to occur on a line of recent displacement.

In all, there are at present between fifty and sixty groups of hot springs in the Lahontan basin; the total number of individual outflows cannot be estimated at less than two or three hundred. It is impossible to estimate the amount of water entering the basin from subterranean sources with even an approximation to accuracy, but if gathered in a single stream it would form a river comparable in size with the Humboldt during the summer season, the volume of which would remain practically constant from year to year. The temperature of this imaginary river would be far above the normal for the region; and in composition it would be much richer in dissolved minerals than ordinary surface streams, as is indicated by the accompanying analyses.

It is certain that many of the hot springs now flowing were in existence during the time that Lake Lahontan flooded the valleys of northwestern Nevada; and it is believed that the three analyses given above not only represent approximately the average composition of the springs now flowing, but also indicate the character of the thermal waters that entered the ancient lake through fissures in its bottom.

EXTINCT SPRINGS.

At many points in the Lahontan basin, as mentioned in the preceding pages, we find deposits made by springs which are now extinct. The majority of these are composed of calcareous tufa that was precipitated about sublacustral springs, and will be described in the chapter devoted to the chemical history of the former lake. A group of spring-mounds about half a mile southward of Humboldt House and on the west side of the Central Pacific Railroad track, are, however, of a different nature. They are low domes composed principally of calcareous tufa, open at the top and filled within with crystallized gypsum impregnated with sulphur. The presence of sulphur has led to some exploration, but the supply is evidently too limited to be of much economic importance.[23] The mounds in this group are broad and comparatively low domes, formed of thatch-like layers of calcareous tufa with considerable quantities of siliceous sinter, especially about

[23] These sulphur deposits were the only ones that could be found by the writer in the neighborhood of Humboldt House, and are thought to be the ones described in the reports of the United States Geological Exploration of the Fortieth Parallel, Vol. II, p. 742.

their bases. These deposits are unlike the greater part of the old tufa structures occurring abundantly in the same basin, especially in the neighborhood of Pyramid Lake, but agree in form and structure with the rings and domes now forming about many subaërial hot springs; thus indicating that the deposits in question are of post-Lahontan date. The presence of siliceous sinter also indicates that these deposits were of subaërial origin, as no precipitates of this nature from sublacustrine springs are known.

LAKES.

At present there are seven lakes in the Lahontan basin. These are Honey Lake, California; Pyramid, Winnemucca, Humboldt, North Carson, South Carson, and Walker lakes, Nevada. To these we may add the two Soda lakes near Ragtown, Nevada, as occurring in the same basin, but these are of a decidedly different character from those enumerated above, and will receive special attention. These lakes are of assistance to the geologist in interpreting the history of the great lake which formerly flooded all their valleys; we shall, therefore, describe them somewhat minutely.

HONEY LAKE.

Honey Lake Valley was occupied by the western arm of Lake Lahontan, and became deeply filled with lake sediments. At present it is a broad, level-floored, sage-brush-covered plain, with fruitful areas on its western and northern borders where water is available for irrigation, and has an absolutely barren playa of considerable extent on its eastern margin near Fish Spring. The lake occupies a shallow depression in the western part of the valley, and may be classed as a playa lake, as it is without outlet and becomes completely desiccated during seasons of unusual aridity. It is supplied principally by Susan River, which enters it from the northwest; but it receives some tribute during the rainy season from Long Valley. The hot springs along its northern border also furnish considerable quantities of water. The area of the lake varies with the seasons, as well as from year to year, as is common with all inclosed lakes. As mapped by the survey in charge of Captain Wheeler, in 1867 it covered an area of approximately

90 square miles. In the summers of 1859 and 1863 it is reported by the settlers in the valley to have become completely desiccated, leaving a broad smooth plain of cream-colored mud. Its average depth in the summer of 1877 is reported by Lieutenant Symonds[24] to have been about 18 inches. In 1882 its greatest depth was 4 feet, but the average, as nearly as could be judged, did not differ much from the figures given for 1877. The outline of the lake is indefinite, as its shores are usually low and marshy, and in places form broad tule swamps. Its waters are quite strongly alkaline, unfit for human use, and always of a greenish-yellow color, due to the impalpable mud held in suspension. A preliminary examination of the water shows that it contains 0.0784 per cent. of saline matter in solution. Qualitative tests show the water to be alkaline and charged with chloride of sodium, and carbonate and sulphate of soda, together with some potash and magnesia.

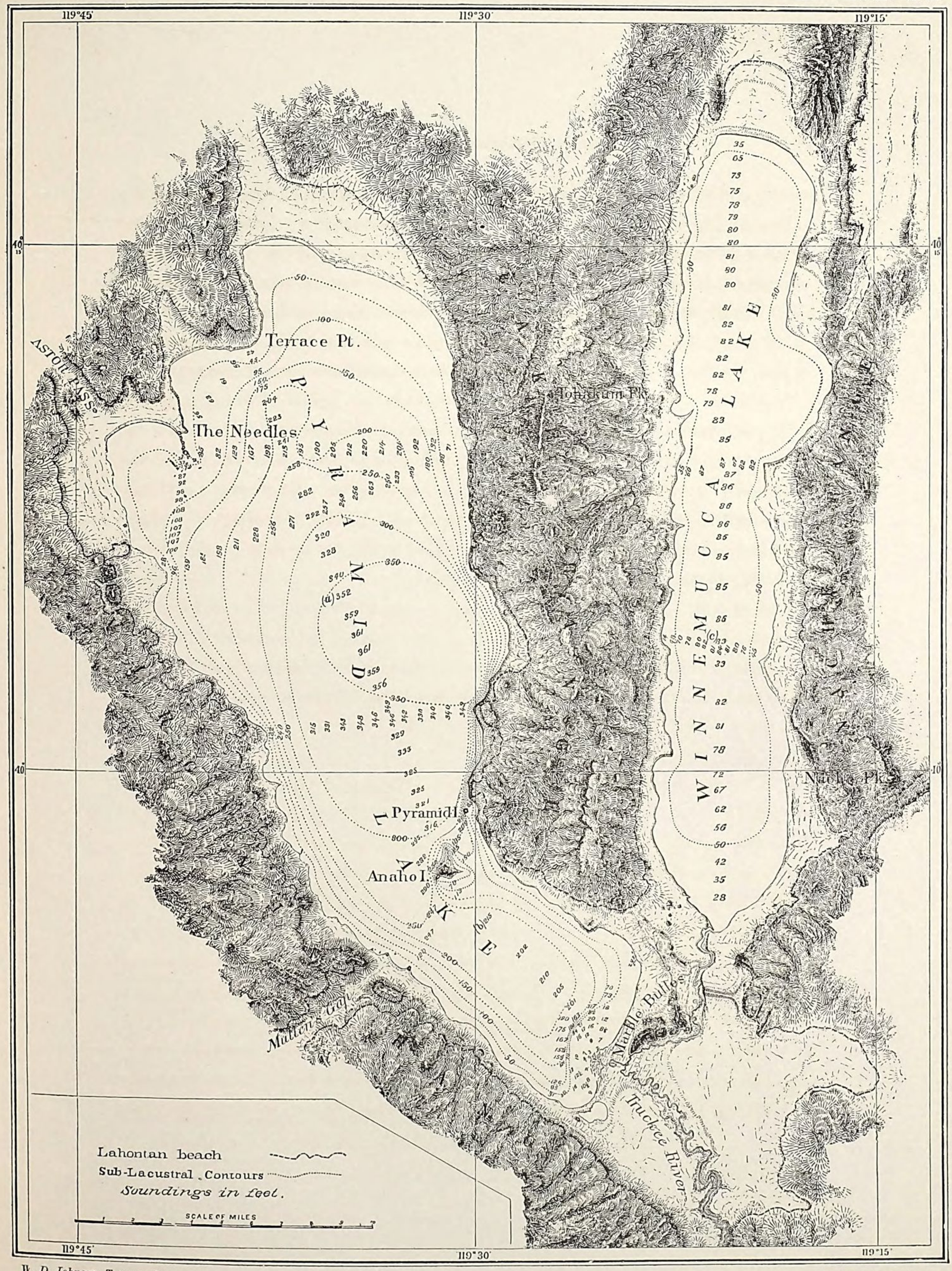
PYRAMID LAKE.

Pyramid Lake was discovered January 10, 1844, by General Frémont, who first saw it from the mountains at its northern end. From the remarkable form of an island near its eastern shore its discoverer gave it the name which it now bears.[25]

The accompanying map of Pyramid and Winnemucca lakes (Plate IX) was made in August and September, 1882, by Mr. Johnson, and shows an accurate outline of the lakes as they existed at that time. The soundings indicated are from actual observation, the position of the boat at the time of measuring the depth being determined with instruments stationed on shore. The sublacustrine contour lines, drawn at intervals of 50 feet, are in part conjectural, but are believed to represent approximately the topography of the lake bottom. The north and south axis of Pyramid Lake is 30 miles in length; in the widest part, near the northern end, its breadth is 12 miles; farther southward between Anaho Island and the southern end of the lake it is contracted to about 5 miles. Its area in September, 1882, was 828 square miles. Our soundings determined that the greatest depth occurs

[24] Ann. Rep. U. S. Geographical Surveys West of the 100th Meridian for 1878, p. 115.

[25] Frémont's First and Second Expeditions, 1842–'43–'44, p. 216.



W. D. Johnson, Topographer.

I. C. Russell, Geologist.

PYRAMID AND WINNEMUCCA LAKES, NEVADA.

a few miles north of Anaho Island where the water is 361 feet deep over a very considerable area; showing that the bottom in this portion is a nearly uniform plain. As the Lahontan beach is 525 feet above the 1882 level of Pyramid Lake, the former lake had a depth of 886 feet, without considering, however, the amount of sedimentation that has since taken place. This was the deepest point in Lake Lahontan.

Pyramid Lake is without outlet. It receives almost its entire supply from the Truckee River, which enters it at its southern end. During the rainy season the surrounding mountains send down some tribute, supplied principally by two small brooks from the western side of the valley, which are living streams for a portion of the year; but the supply from these sources is extremely small. As nearly all of the fresh water entering the lake is delivered at its southern end the lake varies in salinity as one follows it northward. Near the mouth of the Truckee River the waters are sufficiently fresh to be used for camp purposes; at the northern end it is far too saline and alkaline for human use, but may be drunk by animals without injury. The waters of Pyramid Lake from two localities and at different depths have been analyzed by Prof. F. W. Clarke, who reports their composition as follows:

Water of Pyramid Lake collected in August, 1882, at b, south of Anaho Island (see Plate IX).

Constituents.	One liter of water contains, in grammes per liter—		Per cent in total solids.		Constituents.	Probable combination (in grammes per liter).	
	Sample from 1 foot below surface.	Sample from 200 feet below surface.	Sample from 1 foot below surface.	Sample from 200 feet below surface.		Sample from 1 foot below surface.	Sample from 200 feet below surface.
Silica (SiO_2)	0.0425	0.0300	1.22	0.86	Silica (SiO_2)	0.0425	0.0300
Magnesium (Mg)	0.0752	0.0832	2.17	2.38	Magnesium carbonate ($MgCO_3$)	0.2632	0.2912
Calcium (Ca)					Calcium carbonate ($CaCO_3$)		
Sodium (Na)	1.1826	1.1809	34.06	33.84	Potassium chloride (KCl)	0.1374	0.1387
Potassium (K)	0.0719	0.0726	2.07	2.13	Sodium chloride (NaCl)	2.2466	2.2428
Chlorine (Cl)	1.4288	1.4271	41.15	40.99	Sodium sulphate (Na_2SO_4)	0.2621	0.2757
Sulphuric acid (SO_4)	0.1772	0.1864	5.10	5.34	Sodium carbonate (Na_2CO_3)	0.4940	0.4834
	2.9782	2.9802	85.77	85.54	Total*	3.4458	3.4618
Carbonic acid (CO_3) by difference	0.4943	0.5098	14.23	14.46			
Total	3.4725	3.4900	100.00	100.00			

*99.23 per cent. accounted for in the sample from 1 foot below surface, and 99.19 per cent. in remaining sample.

Water of Pyramid Lake collected in August, 1882, at a, north of Anaho Island (see Plate IX).

Constituents.	One liter of water contains, in grammes per liter—		Per cent. in total solids.		Constituents.	Probable combination (expressed in grammes per liter).	
	Sample from 1 foot below surface.	Sample from 350 feet below surface.	Sample from 1 foot below surface.	Sample from 350 feet below surface.		Sample from 1 foot below surface.	Sample from 350 feet below surface.
Silica (SiO_2)	0.0412	0.0200	1.17	0.57	Silica (SiO_2)	0.0412	0.0200
Magnesium (Mg)	0.0800	0.0805	2.29	2.31	Magnesium carbonate ($MgCO_3$)	0.2800	0.2818
Calcium (Ca)	0.0179	0.0179	0.51	0.51	Calcium carbonate ($CaCO_3$)	0.0447	0.0447
Sodium (Na)	1.1731	1.1817	33.53	33.92	Potassium chloride (KCl)	0.1474	0.1381
Potassium (K)	0.0766	0.0723	2.19	2.07	Sodium chloride (NaCl)	2.2411	2.2550
Chlorine (Cl)	1.4298	1.4342	40.87	41.17	Sodium sulphate (Na_2SO_4)	0.2667	0.2737
Sulphuric acid (SO_4)	0.1803	0.1850	5.15	5.31	Sodium carbonate (Na_2CO_3)	0.4738	0.4756
	2.9989	2.9916	85.71	85.86	Total*	3.4949	3.4889
Carbonic acid (CO_3) by difference	0.4998	0.4921	14.29	14.14			
Total	3.4987	3.4837	100.00	100.00			

*99.94 per cent. accounted for in sample from 1 foot below surface, and 100.15 per cent. (error 0.15 per cent.) in the remaining sample.

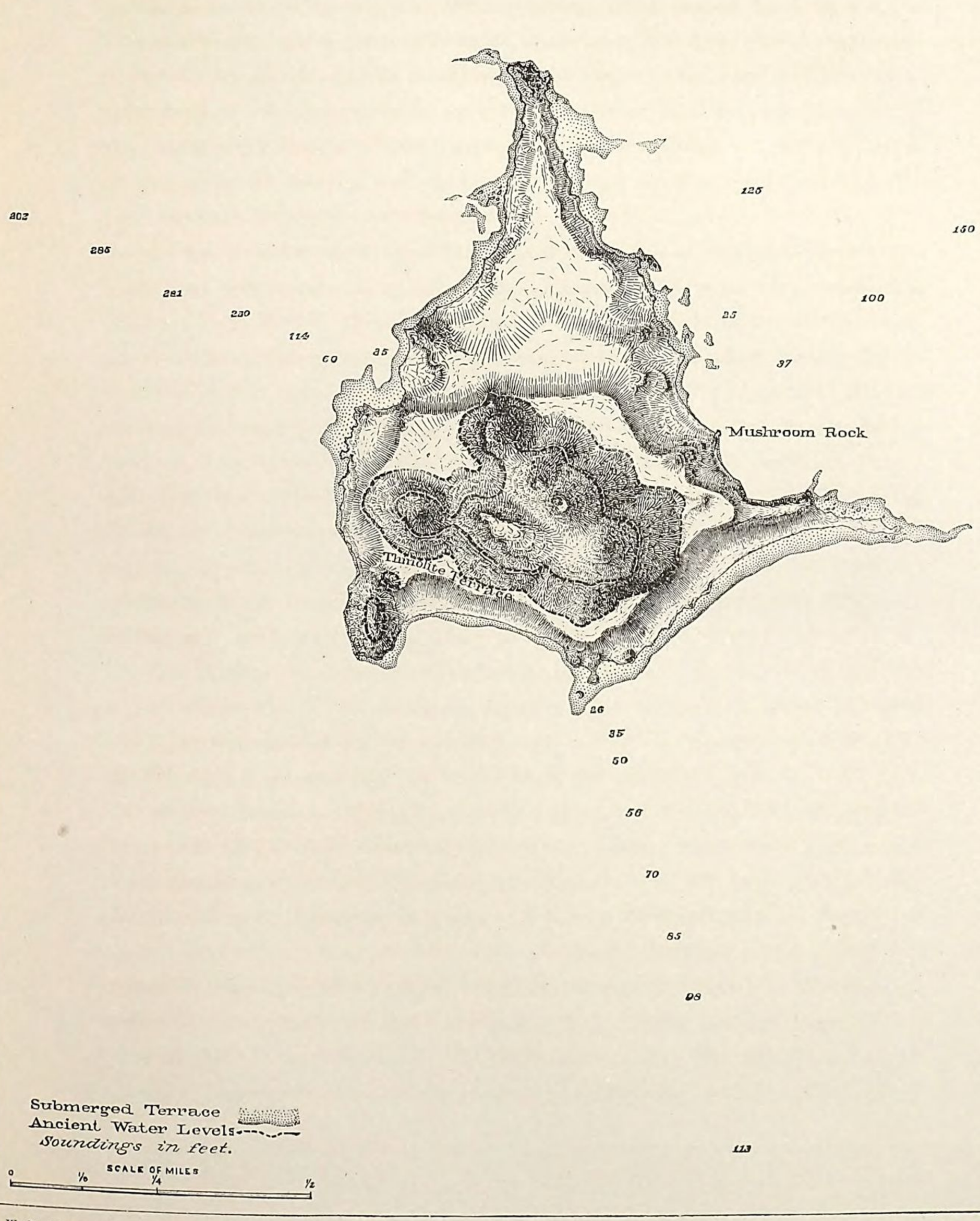
All the water samples from Pyramid Lake when analyzed contained a small quantity of suspended flakes of calcareous and siliceous matter, which had separated since the samples were bottled.

These analyses show much less difference in the composition of the water near the northern and near the southern ends of the lake than was anticipated; and the examination of top and bottom samples fails to indicate an increase in salinity with increase in depth, such as was found by Lartet in the case of the Dead Sea.[26] The bearing of the present composition of Pyramid Lake on the interpretation of the history of the ancient lake which flooded the same basin will be considered in connection with the chemistry of the other lakes of the basin. Standing alone, the analyses of the water of the present lake are of geological interest as showing the composition of waters that are now depositing calcareous tufa of the same general character as that first found in Lake Lahontan.

During our measurements of the depth of the lake the cup at the end of our sounding lead seldom failed to bring up a specimen of the bottom. From the samples thus obtained we learn that the bottom near shore is usu-

[26] Exploration Géologique de la Mer Morte, Paris, 1877, p. 278.

NORTH



W. D. Johnson, Topographer.

I C. Russell, Geologist.

ANAHO ISLAND, PYRAMID LAKE NEVADA.

ally composed of sand or gravel in which the shells of fresh water gasteropods were frequently obtained. At a distance of a few rods from land the bottom invariably became muddy, excepting in sheltered bays, where the littoral deposits had a greater breadth than when the lake margin was precipitous. In all the central portions of the lake the bottom is of fine tenacious mud, either gray in color or intensely black, and having the odor of sulphuretted hydrogen The samples of black mud when dried in the open air lost their inkiness as well as their odor, and became identical with the gray mud occurring in other localities.

In the southern portion of the lake the water is slightly discolored, and is charged with a multitude of shining particles that are rendered visible when a ray of light is passed through it. The lack of transparency is apparently due to the suspended silt brought down by the Truckee River. In the northern part of the lake the water becomes wonderfully clear, and at some distance from land of a deep blue color. On looking down into the waters from the neighboring hills the color appears almost black, or black tinged with deep blue. Near shore, especially where the bottom is of white sand, the water presents a clear greenish-blue tint, as is the case on nearly all lake shores where the bottom is light colored. When thrown into breakers by strong winds it exhibits a play of colors that is only rivaled in beauty by the surf of the ocean.

The largest and most attractive islands in the lake are Pyramid and Anaho, which rise in its southern portion near the eastern shore. Anaho Island, as determined by engineer's level, is 517 feet above the water level of 1882, and is surrounded by water from 150 to 300 feet deep. We present an accurate map of it, prepared in August, 1882 (Plate II), from which future changes in lake level may be determined. When seen from a distance the island presents a convex outline due to the deposition of vast amounts of tufa at certain horizons. A broad terrace has been carved all around it at an elevation of about 100 feet above the lake, and forms a pediment for the extremely rugged crags that are piled upon it. The contour formed by the water line of this terrace is indicated by the lower of the three dotted lines on the map; the next above marks the water level at the dendritic stage; and the highest of all is the Lahontan beach. This island,

although without fresh water, and but scantily clothed with vegetation, is one of the most instructive points about Pyramid Lake, and will well repay a visit from the geologist or the artist. During the time that Lake Lahontan had its greatest extent, Anaho Island rose but a few feet above its surface.

Pyramid Island, as determined by sights with an engineer's level from Anaho Island, rises 289 feet above the lake; the water near its base is from 150 to 175 feet deep As remarked by Frémont, its regular pyramidal form and precipitous sides give it a striking resemblance to the great pyramids of Egypt Its sides are somewhat convex owing to the immense accumulation of tufa deposited upon them, and are difficult to scale. On the accompanying plate this island is represented as it appears from the neighboring shore

The most picturesque portion of the shores of Pyramid Lake is at the northern end, where a rugged cape, known as "The Needles," projects a mile or more from the main land, and has near it many small islands of peculiar and sometimes fantastic form. This group of spires, domes, and crags exhibits rock forms of the most rugged description, and furnishes the grandest display of tufa in all their varieties that is to be found in the Lahontan basin. A general view of this picturesque point is given on the accompanying plate, which is sketched from a photograph taken on the lake shore to the westward of The Needles. The highest of the spire-like masses, rising 300 feet above the lake, is shown somewhat in detail in the illustration forming Plate XIII. A photograph of one of the islands near The Needles, taken from the peninsula, is given on Plate XXXVIII. Plate XXXIX also illustrates the remarkable towers and domes that the tufa deposits here simulate.

On the northern side of the peninsula a number of hot springs rise from the bottom of the lake and along the base of the tufa crags, and are forming a deposit of calcareous tufa beneath the lake surface. This accumulation is soft and creamy white, and forms a more or less regular layer over considerable areas. The hot water of the submerged springs rises from many orifices, a number of which have built up tubular chimney-like growths 5 or 6 inches high that sometimes look not unlike mushrooms, but always have one or more openings at the top, through which the spring-water issues The carbonate of lime is deposited when the hot spring-water

U. S. GEOLOGICAL SURVEY

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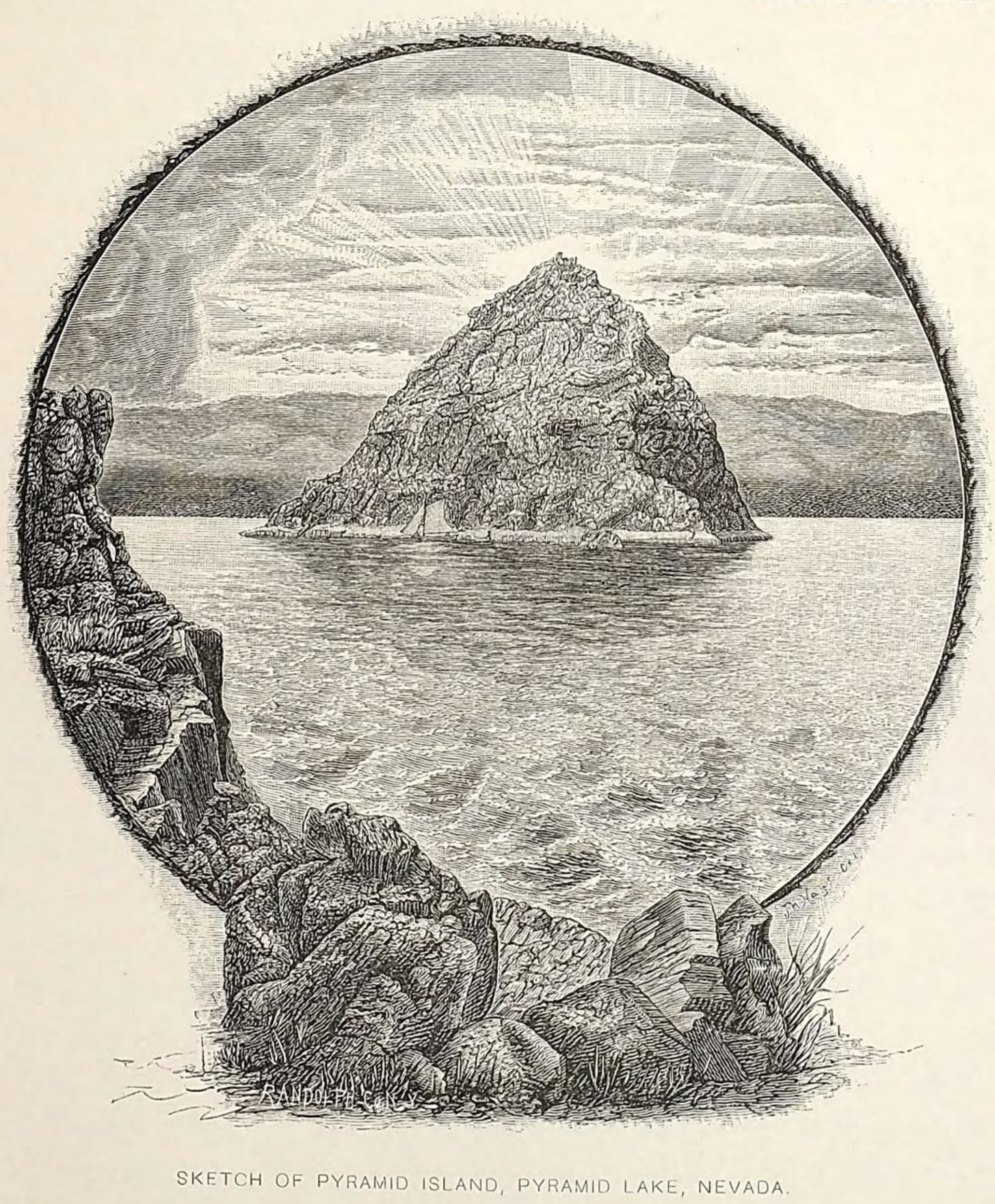


SKETCH OF PYRAMID ISLAND, PYRAMID LAKE, NEVADA.

comes in contact with the colder and more dense waters of the lake. A few of the deposits from these springs are represented, half natural size in the following figure:

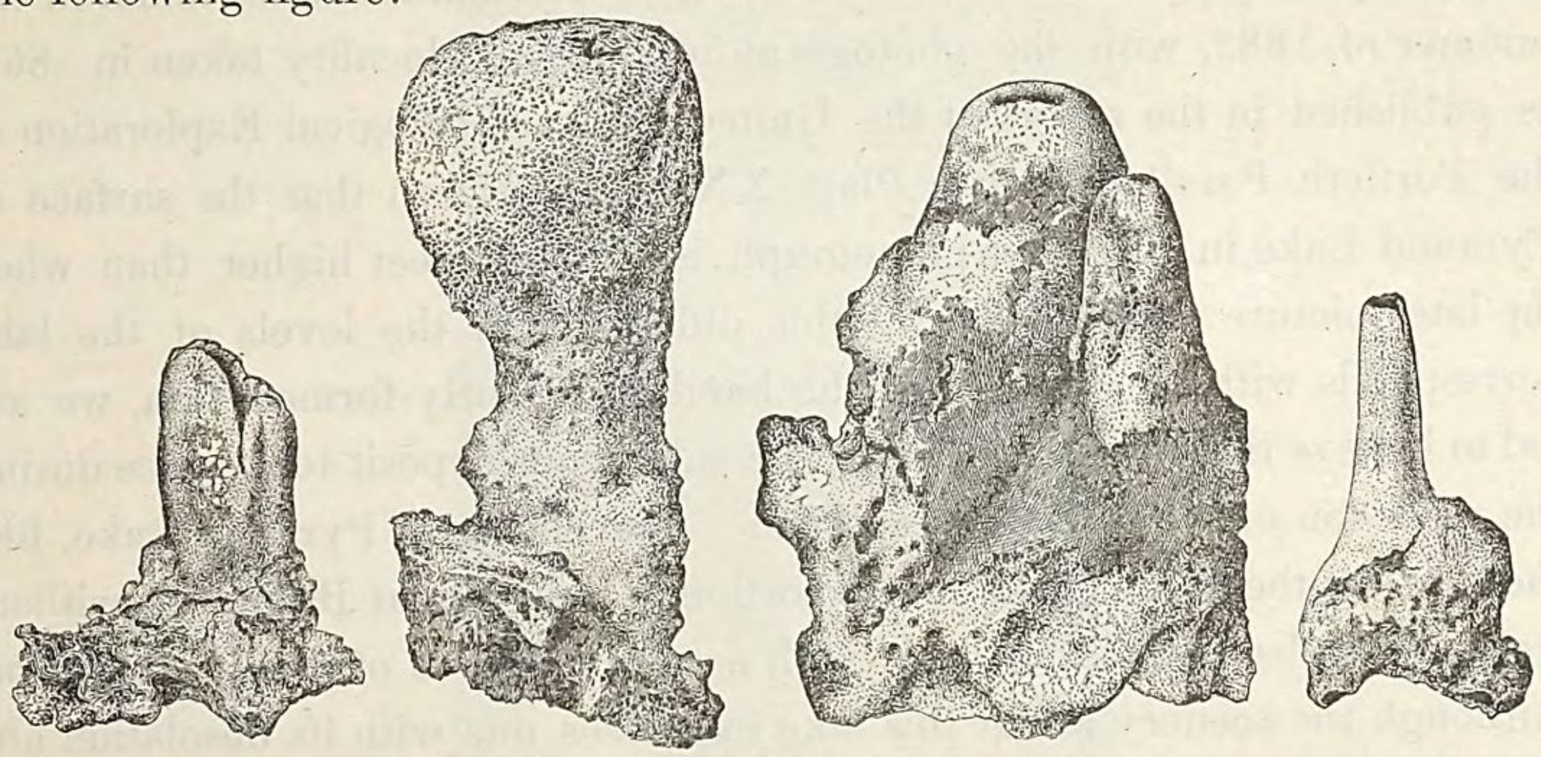


FIG. 6.—Deposits of calcium carbonate from sub-lacustral springs.

Among The Needles the rocky capes are connected by crescent-shaped beaches of clean, creamy sands, over which the summer surf breaks with soft murmurs. These sands are oolitic in structure, and are formed of concentric layers of carbonate of lime which is being deposited near where the warm springs rise in the shallow margin of the lake. In places these grains have increased by continual accretion until they are a quarter of an inch or more in diameter, and form gravel, or pisolite, as it would be termed by mineralogists. In a few localities this material has been cemented into a solid rock, and forms an oolitic limestone sufficiently compact to receive a polish. No more attractive place can be found for the bather than these secluded coves, with their beaches of pearl-like pebbles, or the rocky capes, washed by pellucid waters, that offer tempting leaps to the bold diver. The tufa forming The Needles is gray in tone, with a light-colored band, 10 or 12 feet broad at the base, consisting of a coating of very recent calcareous deposit, similar to that forming the oolitic sands, but probably not dependent on spring action. On the cliffs the nucleus about which the lime crystallized was immovable, and became coated with a continuous layer of calcium carbonate; on the beach the sands were washed about by the waves, and grew into little spheres of polished marble. A band of recently-formed tufa, like that surrounding the base of The

around the borders of all the islands in the lake, and may be distinguished at many points on the shores of the mainland. By comparing a photograph of "The Domes," near Pyramid Island, taken in the summer of 1882, with the photograph of the same locality taken in 1867, as published in the report of the United States Geological Exploration of the Fortieth Parallel (Vol. I, Plate XXIII), we learn that the surface of Pyramid Lake in the older photograph is 10 or 12 feet higher than when the later picture was taken. As this difference in the levels of the lake corresponds with the breadth of the band of recently-formed tufa, we are led to believe that the deposition of the calcareous deposit took place during the recession of the lake thus recorded The shores of Pyramid Lake, like those of all the lakes in the lower portions of the Great Basin, are without trees or shrubs, and clothed only with a scanty growth of desert vegetation. Although the scenery about this lake impresses one with its desolation and want of life, yet the rugged mountains surrounding it and the clear, bright blue of its waters combine to form a picture of more than ordinary grandeur. Like the ocean, its surface appears bright and blue in the sunshine and cold and gray in the storm. Even in summer the gales rise suddenly, without warning, and sweep down upon the lake with the fury of a tempest. Sometimes within a few moments the lake is changed from a placid mirror to a sea of frothing billows that break on the shore in long lines of foam. The suddenness with which the wind changes, and the bleak, inhospitable character of the shores, make the navigation of this lake somewhat dangerous even to experienced boatmen. Many tales of adventure, sometimes accompanied by loss of life, are related by those who have experienced the sudden storms of this inland sea.

The lake is abundantly supplied with splendid trout, *Salmo purpuratus Henshawi*, Lord, and, as stated by Prof. E. D. Cope,[27] is also inhabited by *Leucus olivaceus*, *Leucus dimidiatus*, *Siphateles lingatus*, *Squalius galliæ*, *Chasmistes cujus*, *Catostomus Tahoensis*; of mollusks, three species—*Pompholyx effusa*, Lea, var. *solida*, Dall.; *Pyrgula Nevadensis*, Stearns; and *Pyrgula humerosa*, Gould—are living in its waters, and their dead shells occur in abundance along the shore.

[27] Proceedings Acad. Nat. Sci. Philadelphia, 1883, p. 152.

THE NEEDLES, PYRAMID LAKE, NEVADA.

The resemblance of Pyramid Lake to an arm of the sea is enhanced by the presence of numerous sea-birds. About The Needles especially one sees large numbers of gulls, terns, cormorants, pelicans, together with geese, ducks, swans, herons, bitterns, etc. Many of these find convenient nesting places in the hollows of the calcareous tufa. During our visit to Anaho Island in August, 1882, there were two large pelican "rookeries," in each of which there were 600 or 800 young birds.

WINNEMUCCA LAKE.

This, like its sister lake, occupies a long, narrow valley, formed by orographic displacement, and is a fair illustration of a lake occupying a fault basin. It is 26 miles long, with an average breadth of about 3½ miles, the longer axis being due north and south. As in the case of Pyramid Lake, its waters are alkaline and brackish. The following analysis by Prof. F. W. Clarke is of a sample collected in August, 1882, near the center of the lake (at *c*, Plate IX) and 1 foot below the surface:

Constituents.	One liter of water contains in grammes—	Per cent. in total solids.	Constituents.	Probable combination (in grammes per liter).
Silica (SiO_2)	0.0275	0.76	Silica (SiO_2)	0.0275
Magnesium (Mg)	0.0173	0.48	Magnesium carbonate ($MgCO_3$)	0.0494
Calcium (Ca)	0.0196	0.54	Calcium carbonate ($CaCO_3$)	0.0254
Sodium (Na)	1.2970	36.00	Potassium chloride (KCl)	0.1310
Potassium (K)	0.0686	1.90	Sodium chloride (NaCl)	2.6877
Chlorine (Cl)	1.6934	47.01	Sodium sulphate (Na_2SO_4)	0.1972
Sulphuric acid (SO_4)	.1333	3.70	Sodium carbonate (Na_2CO_3)	0.4065
	3.2567	90.39	Total (98.44 per ct. accounted for)	3.5247
Carbonic acid (CO_3) by difference	.3458	9.61		
Total	3.6025	100.00		

Nearly all of the water that supplies the lake enters at its southern end, and consequently causes this portion to be fresher than the northern part. As stated while describing the Truckee River, the water supplying this lake is a branch of the main stream. The only published account known to us of the bifurcation of the Truckee River, so as to supply two lakes, is given by Mr. King,[28] who states that—

> At the time of our first visit to this region, in 1867, the river bifurcated; one half flowed into Pyramid Lake, and the other through a river four or five miles long into Winnemucca Lake. At that time

[28] U. S. Geological Exploration of the Fortieth Parallel, Vol. I., pp. 505–6.

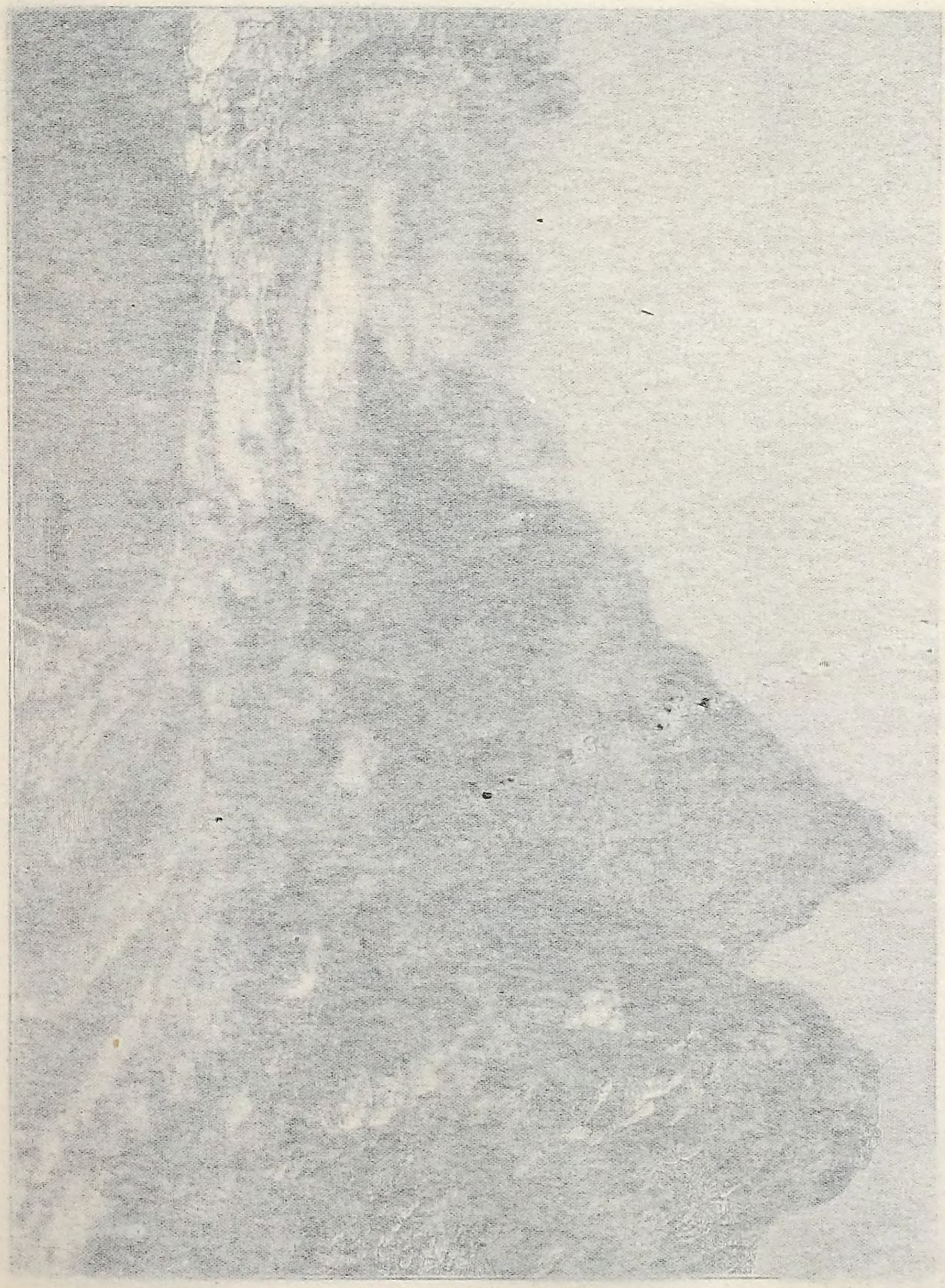
the level of Pyramid Lake was 3,890 feet above the sea, and of Winnemucca about 80 feet lower. Later, owing to the disturbance of the balance between influx and evaporation already alluded to as expressing itself in Utah by the rise and expansion of Great Salt Lake, the basin of Pyramid Lake was filled up, and a back water overflowed the former region of bifurcation, so that now the surplus waters all go down the channel into Winnemucca Lake, and that basin is rapidly filling.

Between 1867, the time of my first visit, and 1871, the time of my last visit, the area of Winnemucca Lake had nearly doubled, and it has risen from its old altitude about 22 feet, Pyramid Lake in the same time having been raised about 9 feet. The outlines as given upon our topographical maps are according to the survey of 1867, and form interesting data for future comparison.

The differences in elevation between Pyramid and Winnemucca lakes, as reported by Mr. King, and as determined by the present survey in August, 1882, are as follows: In 1867 Pyramid was 80 feet higher than Winnemucca (U. S. Geol. Expl. 40th Parallel, Vol. I, p. 505); in 1872 Pyramid was 67 feet higher than Winnemucca (U S. Geol. Expl. 40th Parallel, Vol I, p. 506); in 1882 Pyramid was 12 feet higher than Winnemucca, as determined by engineer's level.

We know of no accurate means of determining how much each lake individually has varied since 1872, but the decrease in the difference of the levels of the two lakes is certainly due in part to the lowering of the waters of Pyramid Lake, as is indicated by recent tufa deposits and lines of bleached sea-weed at an elevation of about 12 feet above the present surface of the lake. From the data now in hand, providing that all the measurements are correct, it is evident that Winnemucca Lake has risen over 40 feet since 1872, and over 50 feet since 1867.

The history of the fluctuations of these lakes is supplemented and enlarged by the statements of Mr. George Frazier, who has been familiar with the region since 1862. In his judgment Winnemucca Lake has risen about 40 feet in the last twenty years. In 1862, the branch of the Truckee River that supplies Winnemucca Lake was so low that a person could cross it by stepping from stone to stone, at a point where it is now not less than 25 feet deep. The lake was then confined to the northern extremity of its basin, and the stream reached it after meandering through meadow lands that are now 15 or 20 feet under water. At that time the channel of the stream could be traced along the bottom of the lake for some distance, and dead cottonwood trees were standing in the water, showing that the lake had previously been much lower. Dead trees standing in Pyramid Lake, some distance from the shore, bore similar evidence to the rise of that lake



AMONG THE NEEDLES, PYRAMID LAKE, NEVADA

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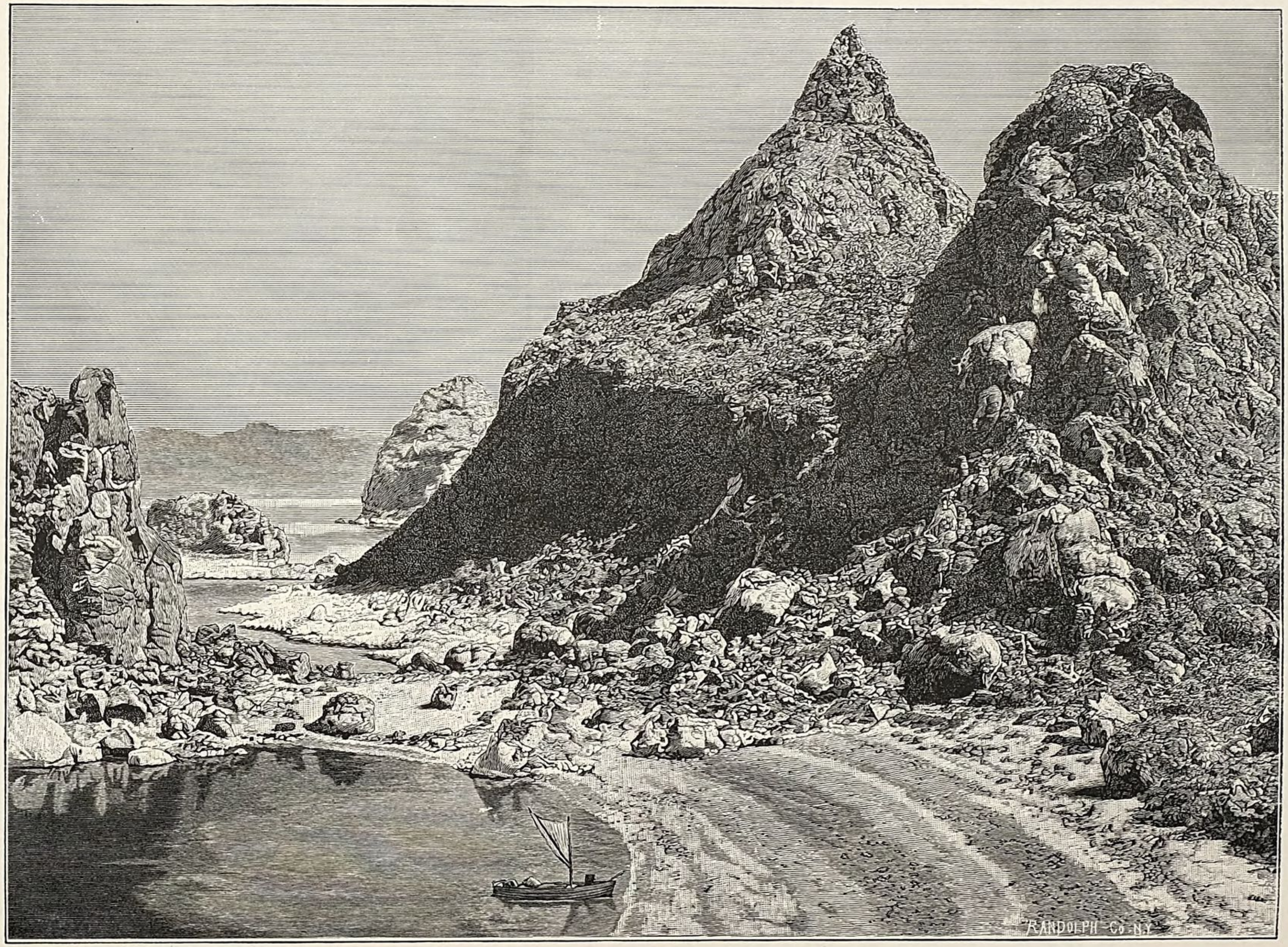

AMONG THE NEEDLES, PYRAMID LAKE, NEVADA.

previous to 1862. This lake, however, is thought by Mr. Frazier to be much higher at present than when he first saw it. During the spring and summer of 1868 the Truckee delivered more water than usual, and Pyramid Lake rose 10 or 15 feet. This rise continued throughout the following year, and during these two years Pyramid overflowed into Winnemucca Lake. The water in the "slough" at that time was brackish and unfit to drink. In the summer of 1876 all the water of the Truckee River emptied into Winnemucca Lake, its outlet into Pyramid Lake having been closed by a gravel bar; but the annual rise of the river the following spring removed the obstruction. These observations, although not of scientific accuracy, are yet of value, and have been confirmed by other people who have been acquainted with these lakes for a number of years.

We may note here that the rise of Pyramid and Winnemucca lakes during the last fifteen or twenty years is synchronous with a similar increase observed in Goose, Horse, and Mono lakes, California; Walker and Ruby lakes, Nevada; Great Salt and Rush lakes, Utah.

In determining future fluctuations of level in Pyramid and Winnemucca lakes, the accompanying map, Plate IX, may be considered as of approximate accuracy; the soundings, too, were made with care. Besides these data we have determined the elevation of certain points above the surface of the lake, which will serve as bench-marks for future measure-

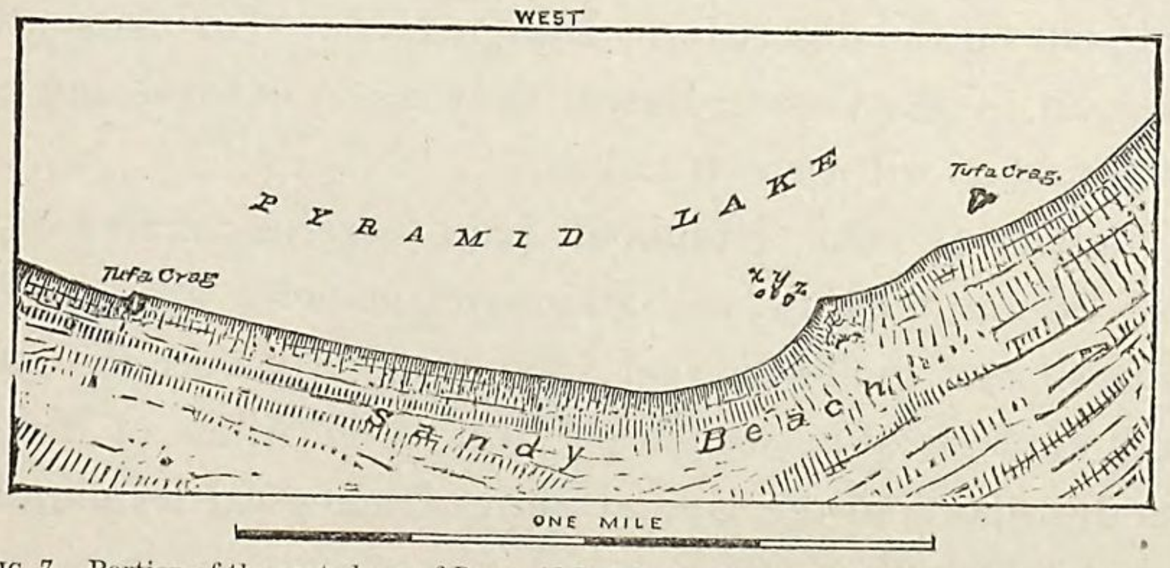

FIG. 7.—Portion of the east shore of Pyramid Lake, showing position of measured rocks.

ments. In the southern end of Pyramid Lake, and to the eastward of the Truckee delta, rise a group of tufa crags, indicated on the map by the letters *x*, *y*, *z*. An enlarged plat of this portion of the lake shore is given in the accompanying figure. The height of these crags above the surface of

the lake, September 9, 1882, was as follows: x, 24.0 feet; y, 9.8 feet; z, 23.7 feet.

This record may be increased by adding the following elevations above the lake level as determined in September and October, 1882:[29]

Summit of Anaho Island	517 feet
Summit of "Mushroom Rock," on the north shore of Anaho Island (see Plate XIV)	17 feet 3 inches
Rock to the south of Mushroom Rock (beneath bird on Plate XIV)	8 feet 5 inches
Summit of Pyramid Island (Plate XI)	289 feet
Highest spire among The Needles (Plate XIII)	300 feet

HUMBOLDT LAKE.

Humboldt Lake is but an expansion of the river that supplies it, and is held in check by an immense gravel embankment that was thrown completely across the valley by the currents of the former lake, at one time 500 feet deep at this point. An accurate map of this structure is given on Plate XVIII, and a detailed description on page —. As there described, the embankment has been cut across by the overflow of the lake and the breach partially filled during the past few years by an artificial dam, which has greatly increased the area of the lake. During the dry season the lake seldom overflows and is then the limit of the great drainage system of the Humboldt River, but in winter and spring the waters escape southward, and spreading out on the desert form Mirage Lake. Farther southward on the northern part of the Carson Desert they again expand and contribute to the formation of North Carson Lake.

In the summer of 1882, Humboldt Lake covered an area of about 20 square miles, did not overflow, and although somewhat alkaline was inhabited by both fish and mollusks, and was sufficiently pure for human use. The following analysis of its waters by Prof. O. D. Allen, of Yale College, is taken from the reports of the United States Geological Exploration of the Fortieth Parallel, Vol. II, p. 743.

[29] All these measurements were made with an engineer's level.

VIEW FROM NORTH SHORE OF ANAHO ISLAND

was as follows: *x*, 21.0 feet; *y*, 9.8 feet; *z*,

by adding the following elevations above
September and October, 1882:[29]

.....	517 feet
north shore of Anaho Island	17 feet 3 inches
beneath bird on Plate XIV) .	8 feet 5 inches
....	289 feet
XIII)	300 feet

HUMBOLDT LAKE.

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seldom overflows and is then the limit of the great drainage system of the
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to the formation of North Carson Lake.

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[29] All these measurements were made with an engineer's level.

MUSHROOM ROCK, NORTH SHORE OF ANAHO ISLAND.

U. S. GEOLOGICAL SURVEY

LAKE LAHONTAN PL. XIV

Constituents.	1.	2.	Average.
Specific gravity, 1.0007.			
Fixed residue in 1,000 parts	0.9015	0.9045	0.9030
Constituents found in 1,000 parts:			
Carbonic acid	0.1065	0.1075	0.1070
Sulphuric acid	0.0257	0.0248	0.0253
Phosphoric acid	0.00069		0.00069
Chlorine	0.2954	0.2949	0.2952
Silica	0.0320	0.0330	0.0325
Magnesia	0.0281	0.0268	0.0274
Lime	0.0180	0.0172	0.0176
Sodium	0.2786	0.2783	0.2785
Potassium	0.0612	0.0605	0.0609
Lithia	trace.		trace.
Boracic acid	trace.		trace.
			0.84509
Oxygen			0.04273
			0.88782

There is probably a loss of carbonic acid.

The theoretical combination of bases and acids would give—

Carbonate of soda	0.24944
Sulphate of soda	0.04498
Chloride of sodium	0.39571
Chloride of potassium	0.11617
Carbonate of lime	0.03143
Carbonate of magnesia	0.05768
Silica	0.03250
Phosphoric acid	0.00069
	0.92860
Less carbonic acid added to the amount found	0.04254
	0.88606

A series of soundings made in Humboldt Lake, in July, 1882, gave a nearly uniform depth of 12 feet for the central part. Near the western shore quite extensive mud-banks rise a few feet above the surface and nearly divide the lake; westward of these the water is still more shallow than in the main body. The lake is being rapidly filled by the silt from the Humboldt River, and is destined to early extinction.

Owing to the orographic structure of the valley it occupies, the eastern shore of the Humboldt Lake is bordered by a precipitous cliff of displacement, the western shore is low and marshy, in places covered with a saline efflorescence. A sample of the incrustation from the surface of the

desert near Brown's Station was found by Mr. R. W. Woodward to have the following composition:[30]

Constituents.	Per cent.
Soluble in water	27.71
Chloride of sodium	49.67
Sulphate of soda	20.88
Sesquicarbonate of soda	18.15
Borate of soda	11.30
	100.00

NORTH CARSON LAKE.

This lake is situated on the northern part of the Carson Desert (see Plate VII) and receives its waters from both the Humboldt and the Carson rivers. Having no outlet, the waters flowing into it have been supposed to sink, and for this reason it is generally spoken of as the "Humboldt and Carson Sink." As this term is based on an error, we have used the name "North Carson Lake" instead.

During the winter and spring it receives a considerable supply of water from both the Humboldt and Carson rivers, and becomes a shallow playa-lake, between 20 and 25 miles in length, by 14 miles in breadth. In unusually arid summers the water supply fails, and the lake evaporates to dryness. As desiccation becomes more intense the salts impregnating the lake-beds are brought to the surface and form an efflorescence several inches in thickness.

This was the case when the Carson Desert was visited by the writer in October, 1881. The lake had then wholly evaporated, leaving a broad mud-plain covered in places with a white alkaline crust that looked like patches of snow.

SOUTH CARSON LAKE.

Situated on the southern border of the Carson Desert lies South Carson Lake. This, like the larger lake to the northward, is a playa-lake and occupies a very shallow depression in the lake-beds flooring the desert. Like other lakes of its class, it has indefinite boundaries and varies in size

[30] U. S. Geological Exploration of the Fortieth Parallel, Vol. II, p. 744.

and depth with the alternation of seasons. In 1882 its area was about 40 square miles, with a depth of four feet throughout its central portion. Its waters are alkaline, and contain 1.4725 grammes of solids in solution to the liter; of which 0.2135 gramme is silica, as reported by Prof. F. W. Clarke from a partial analysis of a sample collected in October, 1863.

The lake is supplied almost entirely by the Carson River and usually overflows through a slough into North Carson Lake.[31]

The low muddy shores are strewed with the dead shells of *Anodonta Planorbis*, *Limnæa*, etc., but, so far as known, no mollusks are now living in the lake.

WALKER LAKE.

The southern extremity of the Lahontan basin is occupied by Walker Lake, which, next to Pyramid Lake, is the most picturesque and attractive of the desert lakes in the Lahontan basin.

A correct outline of the lake, as it existed in 1882, is given on Plate XV. As may be gathered from the map, the lake is 25.6 miles in its longer, or north and south axis, and has an average width of between 4.5 and 5 miles. Its area is 95 square miles As on the map of Pyramid Lake, the actual soundings are given in figures, and the somewhat conjectural topography of the bottom is represented by dotted contour lines. Over a large area in the central and western portions it has a remarkably uniform depth of 224 feet; but as a rule the depth increases as one approaches the western shore, which is overshadowed by rugged mountains. The bottom throughout the central portions is composed of fine tenacious mud, which in many places is black in color, and has the odor of hydrogen sulphide. Coarser deposits, consisting of sand and gravel, mingled with the empty shells of *Pyrgula*, *Pompholyx*, etc, were found only in the immediate neighborhood of the shore. No mollusks were found living in the lake; but the conditions of environment being so similar to what has been observed in Pyramid Lake, it is thought that a more careful search would show that Walker Lake is also inhabited by a few species. Analyses of the water, collected in September, 1882, one foot and 215 feet below the surface

[31] See *ante*, page 44.

where the depth was 224 feet, as shown on the accompanying map, are reported by Prof. F. W. Clarke as follows:

Constituents.	One liter of water contains, in grammes—		Per cent. in total solids.		Constituents.	Probable combination (expressed in grammes per liter).	
	Sample from 1 foot below surface.	Sample from 215 feet below surface.	Sample from 1 foot below surface.	Sample from 215 feet below surface.		Sample from 1 foot below surface.	Sample from 215 feet below surface.
Silica (SiO_2)	0.0075	0.0075	0.29	0.30	Silica (SiO_2)	0.0075	0.0075
Magnesium (Mg)	0.0391	0.0375	1.55	1.51	Magnesium carbonate ($MgCO_3$)	0.1369	0.1313
Calcium (Ca)	0.0267	0.0176	1.06	0.71	Calcium carbonate ($CaCO_3$)	0.0667	0.0440
Sodium (Na)	0.8577	0.8530	34.11	34.29	Sodium chloride (NaCl)	0.9681	0.9558
Potassium (K)	Trace.	Trace.	Trace.	Trace.	Sodium sulphate (Na_2SO_4)	0.7803	0.7580
Chlorine (Cl)	0.5875	0.5800	23.36	23.32	Sodium carbonate (Na_2CO_3)	0.5157	0.5339
Sulphuric acid (SO_4)	0.5275	0.5125	20.96	20.60		2.4752	2.4305
	2.0460	2.0081	81.33	80.73	Loss	0.0403	0 0570
Carbonic acid (CO_3) by difference	0.4695	0.4794	18.67	19.27	Total	*2.5155	†2.4875
Total	2.5155	2.4875	100.00	100.00			

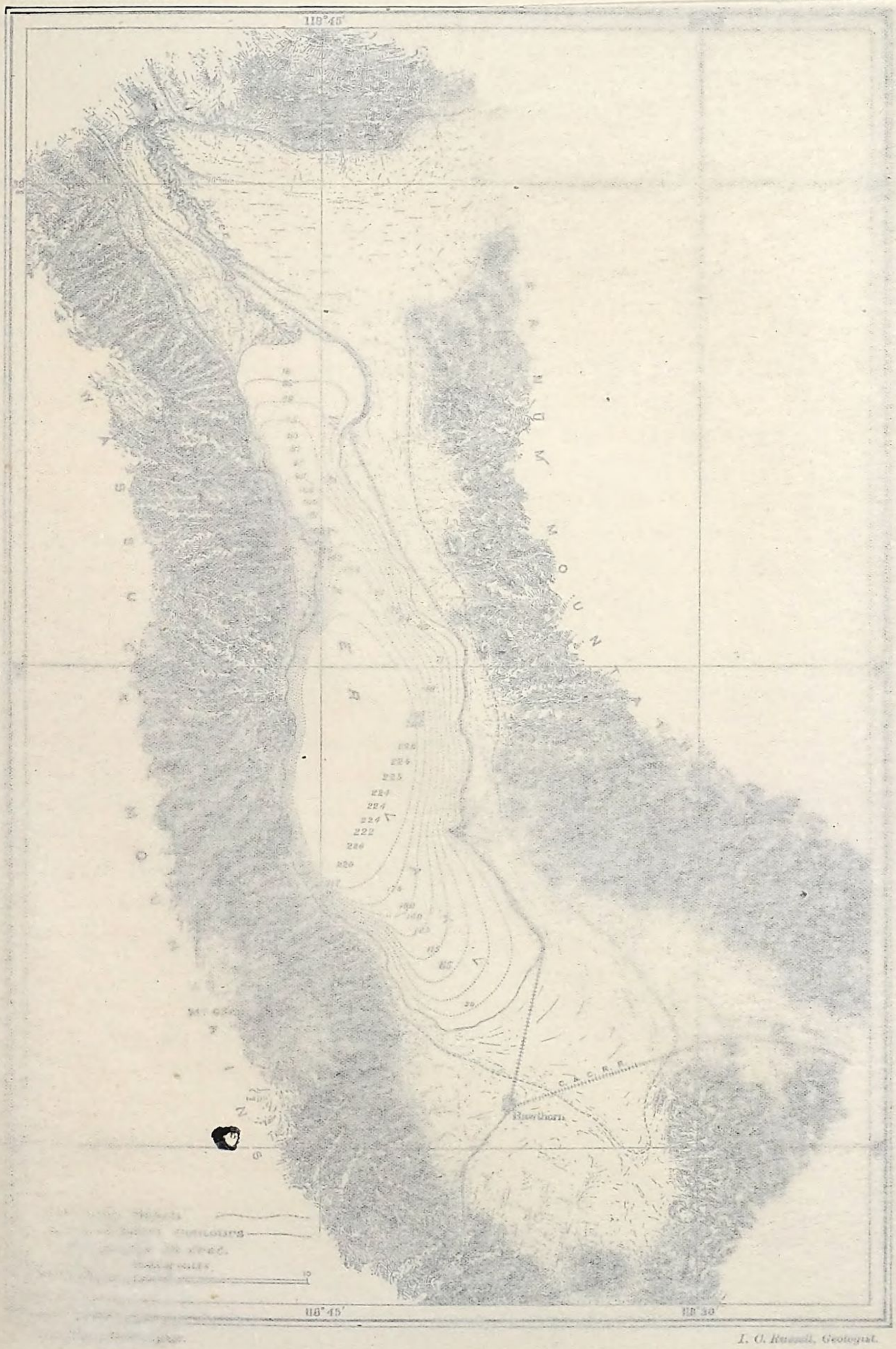
*98.39 per cent. accounted for.

†97.66 per cent. accounted for.

As in the case of the other lakes of the Great Basin, situated at an elevation of less than 5,000 feet, the shores of Walker Lake are totally lacking in arboreal vegetation except at the river mouth, and are clothed only with desert shrubs. At the northern end, and following the immediate shores of the Walker River for many miles, are luxuriant cottonwood groves, together with willow-banks and meadow-lands.

At the northern end, the river is building out a low delta of fine silt, and remnants of similar deltas, at higher levels, may be seen as one follows up the river. A change in the level of the lake is recorded by dead trees standing in the water, which show that it has risen at least four or five feet in recent years.

The waters at a distance from the river mouth are of a clear deep blue, changing to a bright green tint near the shore, as in Pyramid Lake. They are charged with saline matter to such an extent that carbonate of lime is now being deposited. The calcareous tufa now forming cements the gravel and sands of the shore into compact strata or forms rosette shaped masses, with isolated pebbles for nuclei.



I. C. Russell, Geologist.

WALKER LAKE, NEVADA

LAKE LAHONTAN.

[illegible] as shown on the accompanying map, are re-
[illegible] as follows:

Constituents.	Probable combination (expressed in grammes per liter).	
	Sample from 1 foot below surface.	Sample from 215 feet below surface.
Silica (SiO_2)	0.0075	0.0075
Magnesium carbonate ($MgCO_3$)	0.1369	0.1313
Calcium carbonate ($CaCO_3$)	0.0667	0.0440
Sodium chloride ($NaCl$)	0.9681	0.8558
Sodium sulphate (Na_2SO_4)	0.7803	0.7580
Sodium carbonate (Na_2CO_3)	0.5157	0.5339
	2.4752	2.4305
Loss	0.0403	0.0570
Total	*2.5155	†2.4875

* 98.39 per cent. accounted for.

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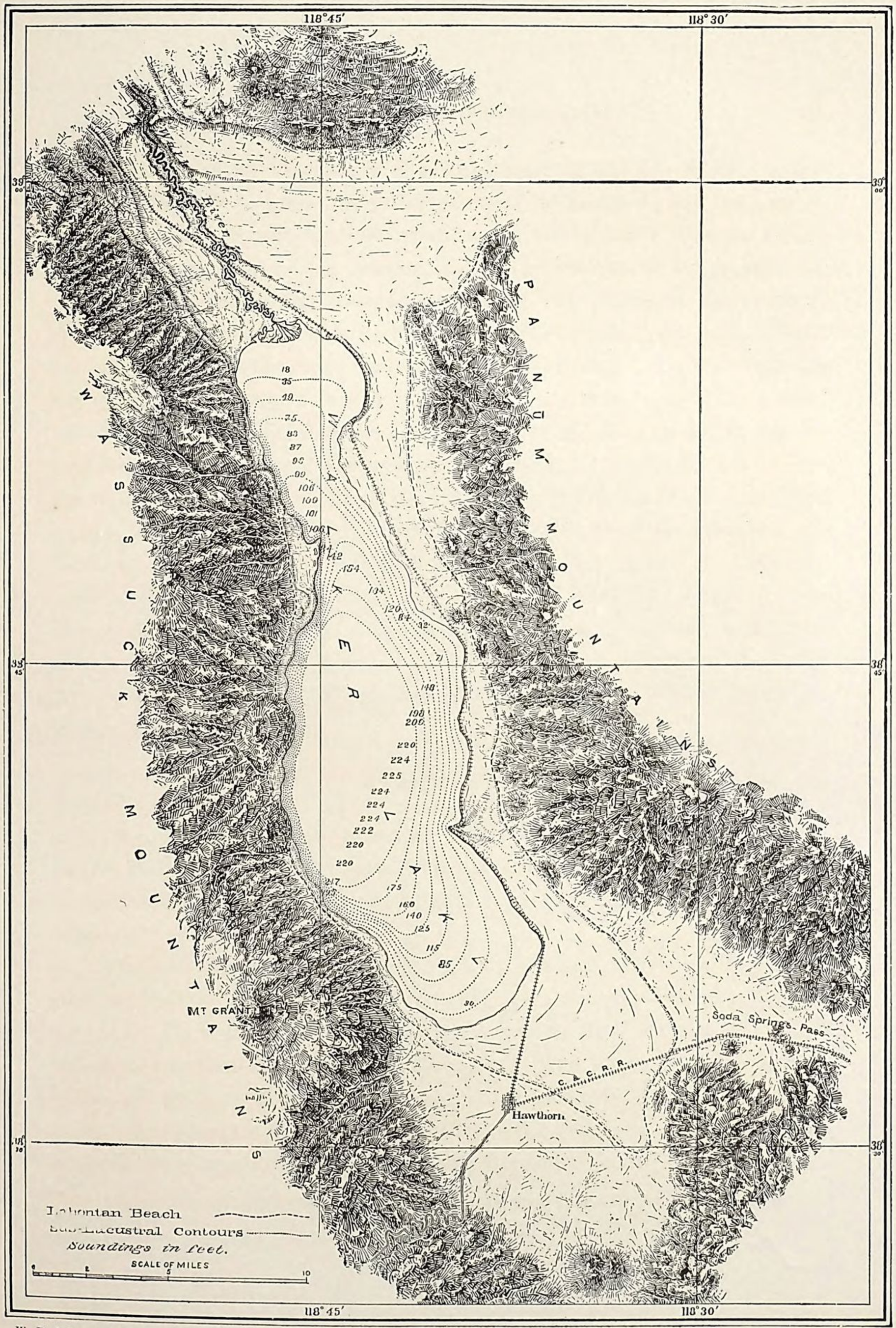


W. D. Johnson, Topographer. *I. C. Russell, Geologist.*

WALKER LAKE, NEVADA

In the study of the recent and fossil lakes of the Far West it is frequently desirable to know the present rate of evaporation, and the character of the seasonal and secular variations in precipitation that are taking place. Attempts have been made to determine the rate of evaporation by experimenting with artificial evaporating pans, but owing to the difficulty of imitating the conditions of nature, these observations have been of little value. Gauges have been established in Great Salt Lake, and accurate records of its annual and secular fluctuations have been secured for a number of years, but in this instance the variations of the lake are influenced by irrigation, and the sources of supply for the waters of the lake are too numerous to be definitely measured. Of all the lakes of the Far West with which we are acquainted, excepting Abert Lake, Oregon, the most favorable for determining the questions indicated above is Walker Lake. As this lake receives its entire supply from a single source and is without outlet, the rate of evaporation from a large water surface could be determined with great accuracy. Observations intended to show the secular variations in precipitation would be more difficult because the waters of Walker River are largely used for irrigation.

LAKE TAHOE.

As Lake Tahoe is the grandest of the Sierra Nevada lakes, and the largest that discharged into Lake Lahontan, we insert a brief account of it, compiled principally from the investigations of Prof. John Le Conte, of the University of California.[32]

The lake is situated in latitude 39° N., and lies part in California and part in Nevada, at an elevation of 6,247 feet, as determined by railroad surveys. Its drainage area, including the lake surface, is about 500 square miles. The water surface is 21.6 miles long from north to south, with an extreme breadth of 12 miles; its area being between 192 and 195 square miles. Its outlet is the Truckee River, which leaves the lake through a magnificent gorge, at a point on its northwestern shore.

[32] "Physical Studies of Lake Tahoe," published in the Free Press and the Mining and Scientific Press of San Francisco, during 1880 and 1881. Reprinted in the Overland Monthly for November and December, 1883, and January, 1884.

Soundings made by Professor Le Conte, beginning at the northern end, near the "Lake House," and advancing along the longer axis of the lake directly north towards the "Hot Springs," at the northern end, give depths of from 900 to 1,645 feet.

Between the 11th and the 18th of August, 1873, Professor Le Conte made a large number of temperature measurements at different depths in the lake, an abstract of which is here copied:

No.	Depth in feet.	Depth in meters.	Temperature: Fahr.	Temperature: Cent.
1 (surface)	.....	.....	67	19.44
2	50	15.24	63	17.22
3	100	30.48	55	12.78
4	150	45.72	50	10.00
5	200	60.96	48	8.89
6	250	76.20	47	8.33
7	300	91.44	46	7.78
8 (bottom)	330	100.58	45.5	7.50
9	400	121.92	45	7.22
10	480	146.30	44.5	6.94
11 (bottom)	500	152.40	44	6.67
12	600	182.88	43	6.11
13 (bottom)	772	235.30	41	5.00
14 (bottom)	1,506	459.02	39.2	4.00

Professor Le Conte's paper also contains many valuable observations on the transparency and color of the lake water, and on rhythmic variations of level. An analysis of the water of Lake Tahoe has already been given on page 42.

Besides Lake Tahoe, there was another lake among the mountains of Northern California during Quaternary times which was tributary to Lake Lahontan. This was a comparatively shallow water body that occupied the basin now known as the Madeline Plains. A small stream from Horse Lake Valley joined that draining the Madeline Plains; as did also the waters escaping from Eagle Lake, which, without evidence to the contrary, we may consider to have discharged then as now, through beds of gravel beneath a lava coulée.

SODA LAKES, NEAR RAGTOWN, NEVADA.

On the Carson Desert, about 2 miles northeast of Ragtown, are two circular depressions that are partially filled with strongly alkaline waters and known as the Soda Lakes or Ragtown Ponds. By reference to the accompanying map (Plate XVI), on which the contour lines are drawn at intervals of 20 feet, it will be seen that the lakes occupy deep depressions in low cones. The larger lake is 268.5 acres in area, and the smaller is a pond of variable size.[33] The form of the larger depression is still farther illustrated by the cross-section given at the bottom of the plate, which has been constructed from actual measurements with an engineer's level and a sounding line. The rim of the larger lake in its highest part rises 80 feet above the surrounding desert, and is 165 feet higher than the surface of the lake which it incloses. The outer slope of the cone is gentle and merges almost imperceptibly with the desert surface; but the inner slope is abrupt and at times approaches the perpendicular. A series of careful soundings gives 147 feet as the greatest depth of the lake. The total depth of the depression is therefore 312 feet, and its bottom is 232 feet lower than the general surface of the desert near at hand.

The walls encircling the lake exhibit well exposed sections of stratified lapílli, mingled with an abundance of angular grains, kernels, and masses of basalt, some of which are 2 and 3 feet in diameter and scoriaceous, especially in the interior. Mingled with this angular and rough material is a great quantity of fine dust-like lapílli, and some rounded and worn pebbles of rhyolite. Interstratified with the lapílli occur marly lake-beds containing fresh-water shells and dendritic tufa, as is indicated in the accompanied generalized section of the crater walls (Plate XVII, Fig. A). Both the lapílli and the lake-beds are evenly stratified, and exhibit diverse dips. On the interior of the larger crater, on the south side, the dip is towards the lake at an angle of about 30°. On the east side the stratification appears quite horizontal, but may, perhaps, be inclined away from

[33] The smaller lake, when the accompanying map was made, had been so changed by excavation and the construction of evaporating vats that its original form had been destroyed. Its surface is 20 feet higher than the larger lake, and 65 feet below the general desert surface. The highest point on the crater rim is 80 feet above the bottom of the depression.

the crater; near the surface of the lake there are two planes of unconformability, as well as a number of small faults. In the crater walls on the opposite side of the lake a number of displacements may be seen, as indicated in Fig. E, Plate XVII.

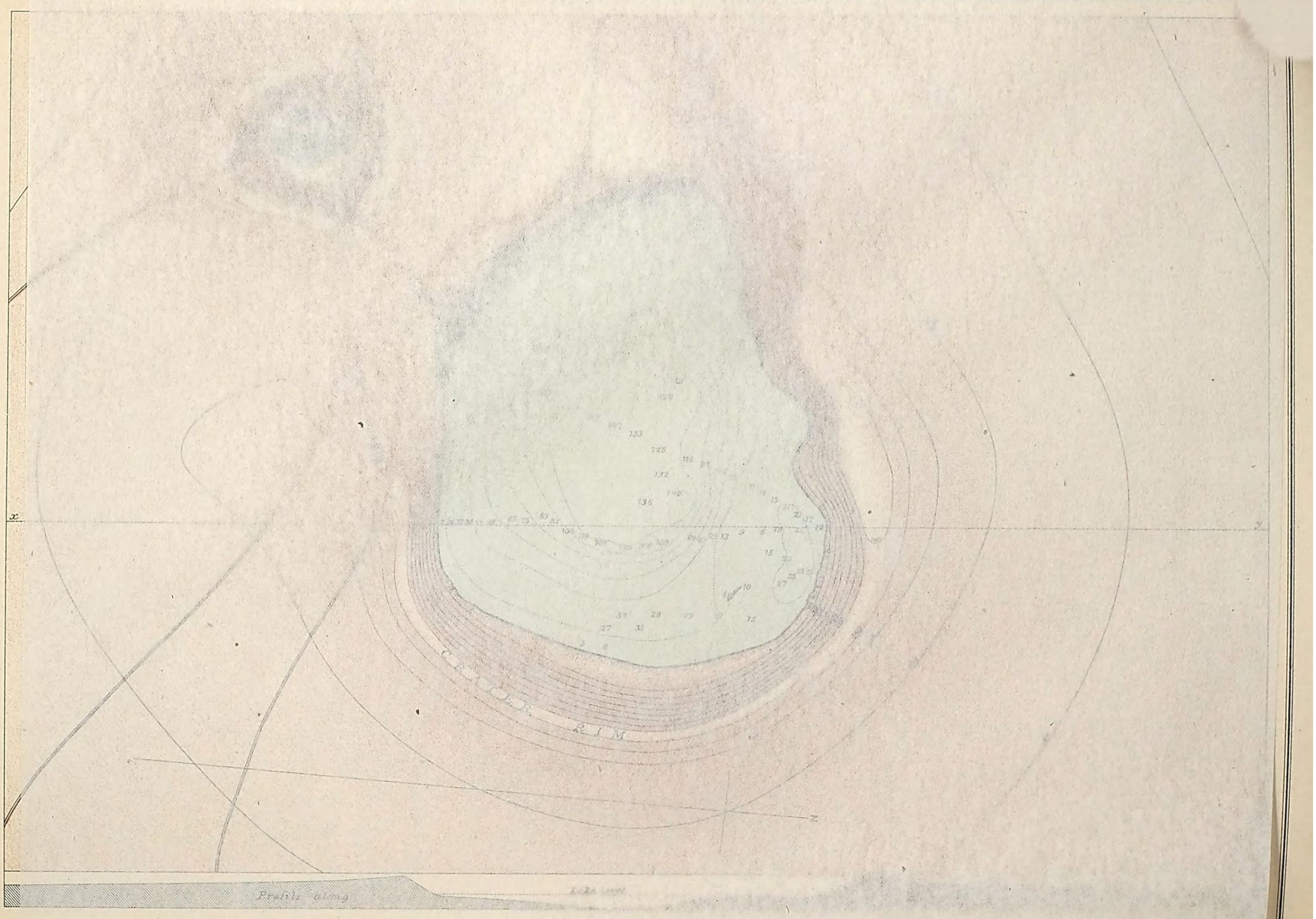
The form of the cones and the nature of the material of which they are composed leave no doubt that these are crater-rings, *i. e.*, low cones of eruption containing large craters. The evidence sustaining this conclusion is abundant. In the stratified beds of yellowish lapílli, which are always angular and sometimes as fine as dust, are many fragments of basalt, rhyolite, and masses of hardened lake-beds,[34] that are evidently ejected fragments that have been dropped from a considerable height to the positions which they now occupy. The strata of lapílli beneath these "bombs" are bent down, as shown in the accompanying sketch (Figs. B, C, and D, Plate XVII) the disturbance being visible for 6 or 8 inches below the included rock. The strata of loose cinders covering the inclosed fragments are horizontal and undisturbed. That the cones were not formed during a single eruption, but have a long and complicated history, and are perhaps sublacustrine in their origin, is shown by the alternation of ejected and sedimentary materials in the crater walls.

From the presence of fossiliferous lacustral clays in the midst of lapílli, it seems evident that volcanic eruption was interrupted by periods during which the lake covered the craters. The presence of dendritic tufa in the midst of the section proves that the volcano was active both before and after the dendritic stage of Lake Lahontan. The wall of the larger lake is somewhat open on the south side, while the western rim has been prolonged southward (see Plate XVI) in such a manner as to suggest that the erupted material was in part removed by currents at the time it was ejected and deposited in the form of an embankment, connecting with the crater rim.

The hypothesis that the craters were formed by the action of extremely powerful sublacustrine springs, as advanced by King,[35] would not account for the nature of the material forming the crater walls, nor the presence of

[34] The rhyolite pebbles and fragments of lacustral sediments thrown out by this volcano were evidently derived from the superficial strata through which it opened a passage. The basalt, on the other hand was erupted in a semi-fused condition and formed slaggy masses on cooling.

[35] U. S. Geological Exploration of the Fortieth Parallel, Vol. I, p. 512.



W. D. Johnson, Topographer

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...small faults. In the crater walls on the
...displacements may be seen, as indi-

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The hypothesis that the craters were formed by the action of extremely powerful subterranean springs, as advanced by King,[35] would not account for the nature of the material forming the crater walls, nor the presence of

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[35] U. S. Geological Exploration of the Fortieth Parallel, Vol. I, p. 512.

CRATER RIM

Evaporating Vats

CRATER RIM

x

y

z

Profile along the line x-y.

Lake level

W. D. Johnson, Topographer.

Julius Bien & Co. Lith.

I. C. Russell, Geologist

SODA LAKES NEAR RAGTOWN, NEVADA.

0 ¼ ½ ¾ 1 2 MILES

Contours 20 feet apart.

the numerous volcanic bombs that depress the strata on which they rest. If the cavities owed their origin to springs of very great magnitude rising in the bottom of Lake Lahontan, it is evident that the out-flowing waters would have cut channels of overflow when the lake evaporated to a horizon below the rim of unconsolidated material that surrounded them; but the crater walls are now continuous and unbroken by stream channels. On the other hand, had the springs become extinct before the evaporation of the lake the cavities they formerly occupied would be buried beneath lake-beds. This, as our observations show, is not the case, but both the inner and outer surfaces of the cones are free from lake sediments The last addition of lapílli to the walls of the crater must have been of post-Lahontan date.

The least diameter of the larger crater at the water surface is 3,168, and its greater 4,224 feet. Its area, as stated on a previous page, is 268.5 acres. A sublacustral spring of these dimensions, rising with sufficient force to carry blocks of basalt 1 or 2 feet in diameter to the height of 150 feet, would be a phenomenon without parallel. That the lakes occupy extinct craters is recognized by Mr. Arnold Hague in his description of the Carson Desert.[36]

There are no streams either tributary to or draining these lakes; their total water supply, excepting the small amount derived from direct precipitation, is supplied from subterranean sources. Around the immediate shores of the larger lake there are a number of fresh-water springs; the largest of these is situated on the northern border of the basin, and issues from a small fault at an elevation of about 15 feet above the water surface. As the lake, by aneroid measurements, is 50 feet below the level of the Carson River at its nearest point, we may safely look to this stream as the probable source of the water supply which reaches the craters by percolating through the intervening marls and lapílli deposits. The bottom of the lake, as determined by many soundings, is a continuation of the slope of the inner walls of the crater, excepting that the conical form has been modified by shore action and sedimentation, which has resulted in the formation of the terrace about the present water margin. In the northern part of the lake a reef of rock projects above the surface, and soundings show that this is continuous from

[36] U. S. Geological Exploration Fortieth Parallel, Vol. II, p. 746.

shore to shore, thus indicating that two craters are combined in the formation of the present depression.

The bottom, as shown by the samples obtained by the cup at the end of our sounding lead, is a fine tenacious black mud having a strong odor of sulphuretted hydrogen. When exposed to the air for some time this material loses its inky color and shows itself to be of the same nature as the fine dust-like lapílli that form a large part of the crater walls. The organic matter impregnating these sediments is evidently derived from the millions of brine shrimps (*Artemia gracilis*) and the larvæ of black flies that swarm in the dense alkaline waters.

Near the shore the rock and pebbles, as well as bits of organic matter are coated with beautiful crystals of gaylussite which form about any solid nucleus that chances to be available. The crystals are white, with transparent edges, monoclinic in form, and thin in the direction of the orthodiagonal, as illustrated by Figure 607, Dana's System of Mineralogy, 5th edition. The small island in the northern part of the lake is completely coated with gaylussite crystals and trona. An analysis of a crystal of gay-lussite from this locality by Prof. O. D. Allen gave the following composition:[37]

Lime	19.19
Soda	19.95
Carbonic acid	29.55
Water	31.05
Sulphuric acid	Trace.
Chlorine	Trace.
Insoluble residue	0.20
	99.94

Trona also occurs along the shore of the lake up to an elevation of 10 or 12 feet, and not unfrequently contains casts of the larval cases of a fly which now lives in the lake in immense numbers. An analysis of a sample of trona from this locality, by Prof. O. D Allen is here copied.[38]

[37] U. S. Geological Exploration of the Fortieth Parallel, Vol. II, p. 749.

[38] U. S. Geological Exploration of the Fortieth Parallel, Vol. II, p. 748.

A

Irregularly laminated lapilli.

Laminated marl containing lapilli.

Irregularly laminated lapilli.

Regularly laminated lapilli, with ejected fragments of basalt and marl.

Laminated marl containing lapilli, dendritic tufa, and *Anodonta*.

Laminated lapilli.

Finely laminated lapilli, cemented, jointed, and faulted.

Level of Soda Lake.

Feet
0 5 10 20 30 40 50

D

Feet
0 1 2 3 5

E

Feet
0 5 10 20

Lacustral Marl.

Stratified Lapilli.

I. C. Russell, Geologist.

SECTIONS OF THE CRATER WALLS INCLOSING THE SODA LAKES, NEVADA.

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depression.

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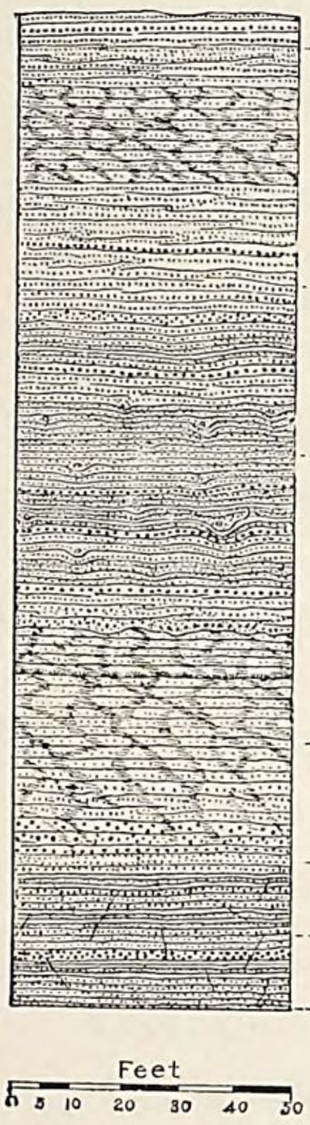
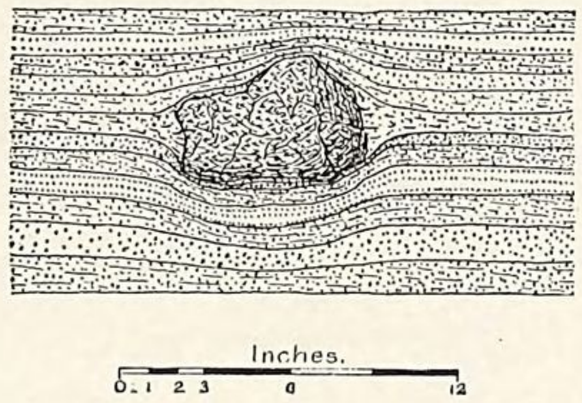
[38] U. S. Geological Exploration of the Fortieth Parallel, Vol. II, p. 748.

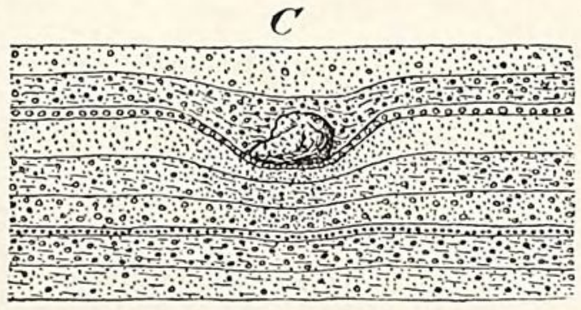
A



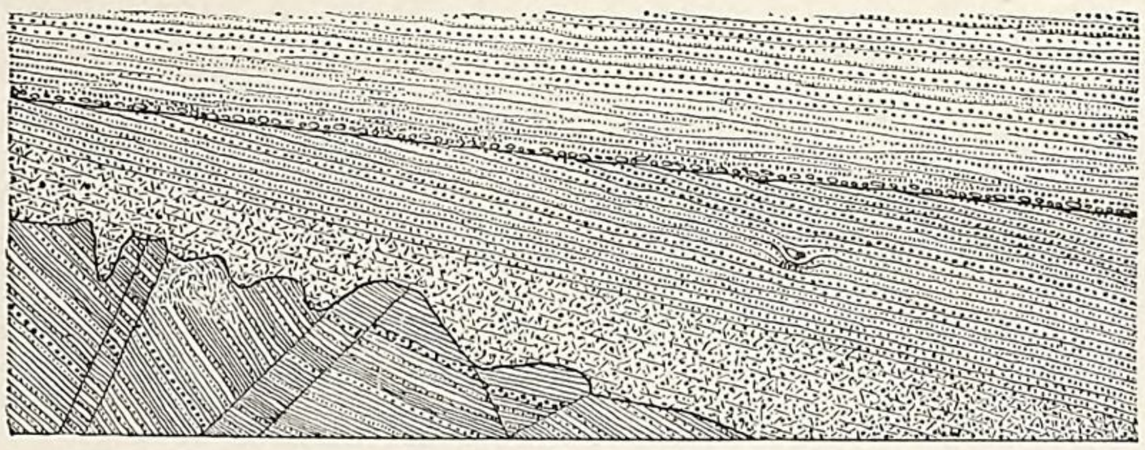
B



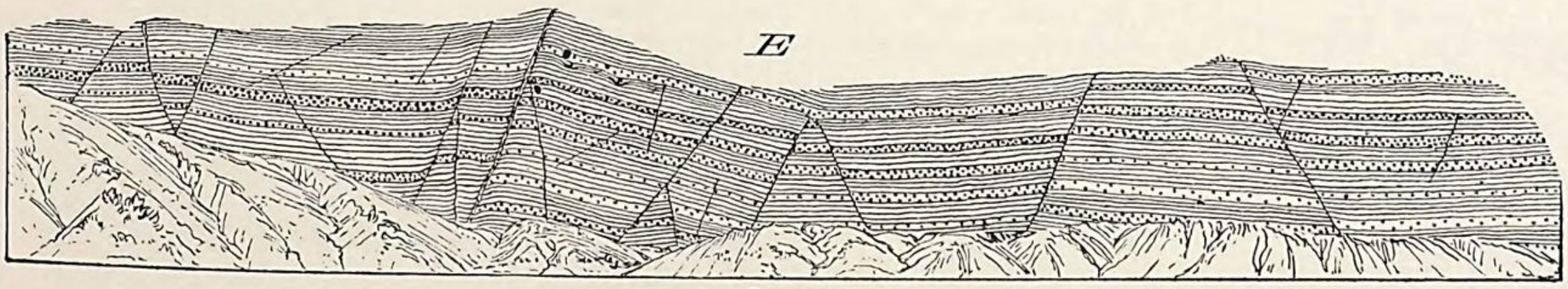
C



D



E



Lacustral Marl.

Stratified Lapilli.

W J McGee, Del. *I. C. Russell, Geologist.*

SECTIONS OF THE CRATER WALLS INCLOSING THE SODA LAKES, NEVADA.

	Per cent.
Soda	40.55
Carbonic acid	36.86
Sulphuric acid	0.73
Chlorine	0.98
Water	19.90
Insoluble residue	0.80
	99.82
Oxygen equivalent to chlorine	0.22
	99.60

"The deposit is thus nearly a pure trona, or sesquicarbonate of soda, mixed with small quantities of sulphate of soda and common salt. It contains also traces of phosphoric and boracic acids. The insoluble residue consists of fine sand and carbonate of lime."

Samples of water collected in September, 1882, in the central portion of the lake, at the depths of 1 foot and 100 feet, have been analyzed by Dr. T. M. Chatard, who reports their composition as follows:

Constituents.	One liter of water contains in grammes—		Per cent. in total solids.		Constituents.	Probable combination (expressed in grammes per liter)	
	Sample from 1 foot below surface.	Sample from 100 feet below surface.	Sample from 1 foot below surface.	Sample from 100 feet below surface.		Sample from 1 foot below surface.	Sample from 100 feet below surface.
Silica (SiO_2)	0.304	0.310	0.24	0.25	Silica (SiO_2)	0.304	0.310
Magnesium (Mg)	0.270	0.270	0.22	0.21	Magnesium carbonate ($MgCO_3$)	0.940	0.940
Potassium (K)	2.520	2.670	2.01	2.13	Potassium chloride (KCl)	4.820	5.110
Sodium (Na)	45.840	44.270	36.63	35.38	Sodium chloride (NaCl)	71.470	68.930
Chlorine (Cl)	45.690	44.270	36.51	35.38	Sodium sulphate (Na_2SO_4)	19.170	19.450
Sulphuric acid (SO_4)	12.960	13.150	10.36	10.50	Sodium borate ($Na_2B_4O_7$)	0.404	0.417
Boracic acid (B_4O_7)	0.314	0.327	0.25	0.26	Sodium carbonate (Na_2CO_3)	26.410	24.840
	107.898	105.267	86.22	84.11		123.518	119.997
Carbonic acid (CO_3) by difference.	17.232	19.883	13.78	15.89	Loss*	†1.612	‡5.153
Total	125.130	125.150	100.00	100.00	Total	125.130	125.150

*If the excess of CO_3 above the amount required for Na_2CO_3 be calculated as $NaHCO_3$, we will have in the sample from 1 foot below the surface: 123.518 less Na_2CO_3 = 97.108
Na_2CO_3 = 23.64
$NaHCO_3$ = 4.382
125.130

and in the remaining sample: 119.997 less Na_2CO_3 = 95.157
$NaCO_3$ = 16.04
$NaHCO_3$ = 13.953
125.150

†98.71 per cent. accounted for.
‡95.98 per cent. accounted for.

A water sample collected from the south side of the lake in August, 1867, and analyzed by Prof. O. D. Allen, had a specific quantity of 1.0975, and gave a fixed residue of 114.7 parts per thousand, and on spectroscopic examination was found to contain lithia in addition to the elements given in the above analyses.[39]

In obtaining carbonate of soda from the waters of the larger lake two methods are in use. One is known as the "cold weather" and the other as the " warm weather " process. In the former the water of the lake is conducted into vats along its shore, and has a density of about 12° of Beaumé's areometer As it evaporates beneath the heat of the summer sun its density increases until it approaches 30° B. At this point more water is added from the lake. This process is continued until cold weather approaches; the vats are then so adjusted as to have a density approaching 30° B. The lowering of the temperature on the approach of winter causes sodium carbonate and sodium sulphate to be precipitated at the bottom of the vats in a hard crystalline layer, which, when removed to the drying sheds, crumbles to a fine white powder. The "soda" formed by this process contains about equal portions of sulphate and carbonate, as shown by the following analysis by Dr. F. W. Taylor of a sample of the material as it is sent to the market:

	Per cent.
Silica	0.449
Iron and aluminum	.011
Calcium sulphate	.038
Magnesium sulphate	.040
Sodium chloride	2.193
Sodium sulphate	49.437
Sodium carbonate	40.714
Water	7.118
	100.000

While concentrating the waters in the soda vats during the summer, if the density increases beyond about 30° B., carbonate of soda and sulphate of soda are precipitated, and, if concentration continues, is soon followed by the deposition of common salt. In this process the water is conducted from vat to vat, becoming gradually concentrated as it progresses. When in the last

[39] U. S. Geological Exploration of the Fortieth Parallel, Vol. II, p. 747.

of the series it has reached the desired density, sodium carbonate, together with sodium sulphate, is deposited. The mother liquor is afterward returned to the lake. The soda thus obtained is called "summer soda," and has about the composition given in the above analysis, as is indicated by qualitative tests. The vats in which the evaporation is conducted are formed by levees built along the shallow border of the lake, and are usually about 80 feet long by 50 feet broad; the water when evaporation commences is usually from 12 to 14 inches deep. (Plate XVI.)

When the waters of the lake are evaporated until a density of about 15° B. is reached, they assume a reddish tint, which increases as the concentration is carried forward, until at 30° B. they become of a bright cherry-red color. Chemical tests show that this color is not due to the presence of manganese or iron, but is probably produced by organic substances.

The manufacture of soda at the larger lake was commenced in 1875, and is yet in its experimental stage, although two or three hundred tons of impure soda carbonate have been produced. The smaller lake when first discovered is reported to have been dry, and presented the appearance of an ordinary mud-playa. Excavations carried to the depth of about 25 feet have shown that the material filling the basin is composed of layers of soda salts, separated by strata of dust and mud. As the layers of soda in these beds have the character of the "summer soda" now formed in the vats, it is evident that the crater has served as a natural evaporating pan, in which the water accumulated during the wet season was entirely evaporated before the dry season had passed.

For the manufacture of soda in this basin, vats have been excavated in the material composing its bottom. They are filled by water seeping from its sides, which, as it enters the vats, has a density of from 10° to 15° B. Concentration is carried on until the carbonate of soda begins to crystallize, when a new supply of brine is added, and the process carried forward until cold weather sets in, when an abundant crop of beautiful soda crystals is formed during the first cold nights of autumn. After all the soda is precipitated that a lowering of temperature will produce, the mother liquor is conducted back into lower depressions, and allowed to leach through the soda-bearing strata once more The crust of soda obtained at the bottom

of the vats is usually about 10 inches thick and shows two divisions, the upper layer, or "winter soda," being the more crystalline. The salt thus obtained is removed to drying sheds, where it loses its excess of water, at the same time crumbling to a fine powder, and is then ready for the market. A sample of this material was found on qualitative examination to consist principally of sodium carbonate, together with considerable quantities of chloride and sulphate of soda, and traces of phosphoric and boracic acid and potash.

The manufacture of soda in the smaller pond has been carried on for about eighteen years, with an annual production of between four and five hundred tons, as I am informed by Mr. B. F. Gray, the present superintendent.

The walls of the smaller crater are of the same nature as those that surround the larger lake, and exhibit sections of stratified tuff containing ejected blocks of basalt that depress the strata on which they rest. An illustration of the smaller Soda Lake will be found on Plate XXII, Vol. II, and of the larger lake on Plate XXVI of Vol. I, of the reports of the U. S. Geological Exploration of the Fortieth Parallel.

The mineral matter now dissolved in the water of the Soda Lakes is unquestionably derived from the springs that supply them, and has been dissolved from the lacustral beds and lapílli deposits through which their waters percolate during their subterranean passage.

The data given on Plate XVI enable one to calculate approximately the volume of the larger of the Soda Lakes; and from the analyses of its waters that have been made we can determine the quantity of the various salts it contains. Making these calculations for the salts of greatest economic importance, we find that the lake contains nearly 428,000 tons of sodium carbonate; sodium sulphate amounts to nearly four-fifths of this quantity; while the sodium chloride is somewhat less than three times as great. The total of all salts dissolved in the lake is in the neighborhood of two million tons.

PLAYA-LAKES AND PLAYAS.

The name "playa-lake" has been applied to inclosed water bodies of dry climates which have little depth and frequently evaporate to dryness, leaving mud-plains, or playas. In the typical examples found throughout the Great Basin, their waters are somewhat alkaline and saline, and almost always turbid with fine silt, and, probably, chemical precipitates. This material is retained in suspension not only because the shallow lakes are frequently agitated to the bottom by the wind, but, also, for the reason that in waters containing alkaline salts the precipitation of suspended matter is greatly retarded. Lakes of this class exhibit great variety, and are the most irregular of water bodies. In many instances they hold their integrity for a number of years, and only evaporate to dryness during exceptionally arid seasons. Again, desiccation is apparently the normal condition, and the basins are only flooded during times of unusual humidity. Many lakes of this class exist only during the humid season, and are dry throughout the summer. In the spring and fall, as already mentioned in describing the general features of the Great Basin, they appear with every storm that gathers and vanish when the heavens are again bright. Their outlines consequently fluctuate with the humidity of the season, and, owing to the extreme shallowness of their basins, a variation of an inch or two in depth may make a difference of many square miles in area.

Examples of the more permanent playa-lakes of the Lahontan basin are furnished by Honey Lake and the lakes of the Carson Desert. Another, of less permanence, on the Black Rock Desert, has been noticed on page 10. The positions of others, some of which are many miles in extent during the winter, but disappear completely when the breath of summer touches them, are indicated on the accompanying pocket-map. Examples might be multiplied, and the curious effects that these ephemeral lakes exert on the scenery of arid lands might be dwelt upon, but this would perhaps carry us beyond their geological interest.

The lakes described above are commonly uninhabited by fish, but frequently afford a congenial abode for mollusks, especially for the Limnæidæ and allied forms.

The water reaching playa-lakes is commonly derived from the surface drainage of the basins in which they occur; the larger ones, however, are supplied by streams more or less permanent. The sediment contributed to lakes of this description is commonly in a state of minute subdivision, and when derived from the surrounding surface is rich in saline matter. When evaporation takes place both the suspended and dissolved matter is deposited and forms a peculiar light-colored saline clay, which, when desiccation is complete, forms a smooth mud-plain, or playa.

The mud-plains originating in the manner described above are characterized by the evenness of their surfaces and their light creamy-yellow color, which is independent of the nature of the surrounding rocks. These deposits have the same characteristics and apparently about the same composition whether surrounded by sedimentary rhyolites or basaltic rocks. In area they vary from a fraction of an acre up to many square miles. They are entirely destitute of vegetation, and are in fact the only absolute deserts in this country. During the rainy season they are rendered soft and impassable, and very frequently covered with water, as mentioned in describing a playa-lake, but with the advance of summer they lose their moisture and become so completely desiccated beneath the intense heat of the summer's sun that they resemble a pavement of cream-colored marble, which, on the broader deserts, stretches away to the horizon without a shrub or spear of grass to break the monotony of the glossy surface. Owing to the contraction of the mud on drying a playa becomes broken by a vast system of intersecting "sun cracks," which frequently cover the surface with an intricate network of narrow fissures. While the mud is soft it sometimes becomes impressed with the foot-prints of animals and rippled by the winds, thus receiving markings that are usually considered characteristic of shores.

Typical examples of playas of broad extent occur in the Lahontan basin, on the Black Rock, Smoke Creek, and Carson deserts; others of less size are met with in various minor basins, as has been indicated in describing playa-lakes.

The scenery on the larger playas is peculiar, and usually desolate in the extreme, but yet is not without its charms. In crossing these wastes the traveler may ride for many miles over a perfectly level floor, with an

unbroken sky-line before him, and not an object in sight to cast a shadow on the ocean-like expanse. Mirages may be seen every day on these heated deserts. Similar optical illusions give strange fanciful forms to the mountains, and sometimes transfigure them beyond all recognition. At such times a pack-train crossing the desert a few miles distant frequently appears like some strange caravan of grotesque beasts fording a shallow lake, the shores of which advance as one rides away. The monotony of midday on the desert is thus broken by delusive forms that are ever changing, and suggest a thousand fancies which divert the attention from the fatigues of the journey. The cool evenings and mornings in these arid regions, when the purple shadows of distant mountains are thrown across the plain, have a charm that is unknown beneath more humid skies. The profound stillness of the night in these solitudes is always impressive.

When the heat of summer drives every drop of moisture from these deserts a white saline efflorescence appears, which is formed by the crystallization of various salts brought to the surface in solution by the action of capillary attraction, and left as the water that dissolved them is evaporated. Incrustations of this nature sometimes cover areas many miles in extent, especially along the borders of the playas, and render the surface as dazzling as if covered by snow.

An analysis of a typical specimen of playa mud from the southern part of the Carson Desert is reported by Dr. F. W. Taylor, as follows:

Portion soluble in water 15.16 per cent.

Constituents.	Soluble portion.	Constituents.	Insoluble portion.
	Per cent.		*Per cent.*
Silica	14.05	Silica	48.33
Iron sesquioxide	2.37	Iron sesquioxide	3.93
Alumina	2.17	Alumina	14.36
Magnesium carbonate	2.90	Lime (CaO)	11.23
Calcium carbonate	0.79	Magnesia (MgO)	2.82
Sodium carbonate	14.36	Soda	5.00
Sodium sulphate	4.28	Potassa	2.58
Sodium chloride	53.16	Carbonic acid	6.88
Water (by difference)	5.92	Water	4.55
	100.00		99.68

An examination of a sample from another playa gave less than 3 per cent. soluble in water, consisting principally of sodium carbonate, calcium carbonate, and common salt.

It is not to be expected that all deposits of this character would have even approximately the same composition, but the conclusion arrived at in the field, that they are the result of both mechanical and chemical processes, is strengthened by the analyses that have been made. In some instances easily soluble salts form a large percentage of the deposit, which then becomes a salt-field, a bed of gypsum, or is largely composed of other similar salts. At times these deposits become covered with mechanical sediments, and perhaps buried so deeply that they are not again dissolved when the basin is reoccupied by a lake. All stages in this process, which, in fact, is the closing chapter in the history of many lakes, may be observed in the arid region of the Far West.

Playas in which the mechanical deposits greatly predominate are the most common, and may be studied in a large number of the desert-valleys of Utah and Nevada. Examples of salt-playas are numerous, especially in Southern Nevada, where they are of economic importance, and, besides common salt, frequently contain large quantities of sodium sulphate and carbonate, borax, etc. In some instances the lower portions of earthy playas are saturated with brine—as is the case in Diamond Valley, Nevada—which, when raised to the surface and evaporated, is capable of supplying an almost unlimited quantity of salt. One of the most instructive playas in the Great Basin is situated in Utah, a few miles southward of Fillmore. In this instance the water entering the basin and partially flooding it during the rainy seasons is probably charged with calcium sulphate in excess of all other salts, and on evaporating leaves a deposit of crystallized gypsum, or selenite, which is now approximately 12 square miles in extent, and has been penetrated to the depth of 6 feet without revealing its entire thickness. The salts more soluble than gypsum, which must have been deposited by the waters covering the playa at various times, have apparently been flooded out by an overflow of the basin, thus leaving the selenite in a remarkably pure condition. The small crystals of selenite swept from the surface of the deposit by the wind have been accumulated in im-

mense dunes, especially along the northern border of the playa, and have nearly buried a rhyolitic butte beneath snow white drifts, thus acquiring for it the local name of the "White Mountain."

A stratification of the various salts found in playas in the order of their solubility, as commonly occurs from the slow evaporation of brines, is not usual, for the reason, apparently, that they owe their accumulation to repeated desiccations. In some instances, however, as at Rhode's salt marsh in Nevada, the more soluble salts are gathered most abundantly in the central part of the basin.

A study of the playas of the Far West renders it evident that saline deposits of great extent may result in the manner described above, and sustains the suggestion that beds of rock-salt, gypsum, etc., found in various geological formations may have been accumulated in interior basins by the evaporation of ordinary surface waters, and are not in all cases, as frequently inferred, the result of the evaporation of isolated bodies of sea-water.

Besides the playas proper, the formation and characteristics of which we have sketched, there are other desert areas in the Far West that are frequently designated by the same name, but which are of a somewhat different nature. These are mud-plains left by the evaporation of large lakes, and composed of ordinary lake sediments Deserts of this nature are in many instances nearly as desolate as the true playas. Their borders are commonly poorly defined, being more or less covered with shrubs; their surfaces, too, are commonly uneven and irregular. In substance, they are usually composed of tenacious greenish clay of the same character as the sediments now forming in many large lakes. Usually the deserts of this character occupy nearly the entire breadth of an ancient lake-bed, and are overlaid by playas proper in their lowest depressions. In a deep section of such a playa the light-colored saline clays, of which they are almost invariably composed, would be found to pass into the more tenacious and darker clays beneath. The strata at the base of such a section were deposited in a deep lake of broad extent, while the playa-beds proper are the record of frequent desiccations.

The freshening of lakes by complete evaporation is one of the most interesting results of the processes we have been tracing. Perhaps the strongest proof that the burial of desiccation products beneath earthy sediments is competent to convert a lake from a saline to a fresh condition is furnished by a number of the existing lakes of Nevada and Oregon, which are either fresh to the taste, or else hold but a fraction of 1 per cent. of saline matter in solution, but occur in comparatively broad drainage-basins that have not overflowed since the beginning of the Quaternary. This is illustrated especially by the present condition of the lakes of the Lahontan basin, as will be shown in treating the chemistry of the former lake (*postea*, page 229).

CHAPTER IV.

PHYSICAL HISTORY OF LAKE LAHONTAN.

SECTION 1.—SHORE PHENOMENA IN GENERAL.

The examination of the shores of recent and fossil lakes has shown that there are a number of characteristic topographic features, resulting from the action of waves and currents, which are of geological interest, and frequently enable one to determine much of the history of a lake that has passed away. The dynamics of lake waters may be studied in any existing lake, but the topography of shores is best seen in lake basins that have been emptied of their waters at a recent date.

If we stand on a shelving lake shore during a gale that is blowing landward, and watch the waves breaking on the beach, it will be noticed that they apparently become accelerated on entering shallow water, and, as their crests break into foam, they rush up the beach or shore-terrace, carrying stones and pebbles with them. As each wave retires we may hear the sharp rattle of this material, even above the roar of the waters, as it rolls and slides down the beach, only to be caught up by the next inrush, and the process repeated again and again. Outside the line of foam fringing the shore the water is frequently discolored, perhaps for several rods, by suspended sediment derived from the comminution of shore *débris;* farther lakeward the waves are clear and blue, or perhaps streaked with long lines of foam. The most superficial observations tend to assure us that vast quantities of stones, pebbles, sand, and silt are constantly carried up and down lake beaches and become rounded and smoothed by the process. This conclusion is also sustained by the worn appearance of the *débris* on

every shore. A little attention also enables one to ascertain that the beach material greatly assists the waves in cutting away the coast so as to form terraces and sea-cliffs, and is subsequently utilized in building bars and embankments. The modifications of lake shores due to chemical action need not receive attention at this time.

The principal features entering into shore topography are terraces, sea-cliffs, bars, embankments, and deltas. These, as will be shown below, result from the action of waves and currents on the shores that confine them, and differ so widely from the topographic forms produced by sub-aerial erosion and other geological agencies that the nature of their origin may be determined at a glance.

TERRACES.

The most characteristic forms resulting directly from wave action are sloping terraces bounded by a steep scarp, termed a sea-cliff, on the landward margin, and a second scarp, less abrupt, on the lakeward border. These forms are illustrated in the following diagram, which represents the profile of a lake shore so carved by waves as to form a cut-terrace and sea-cliff. The line *ab* represents the original slope of the shore before its modification by waves; *ac* the profile of the sloping terrace; and *cb* the sea-cliff.

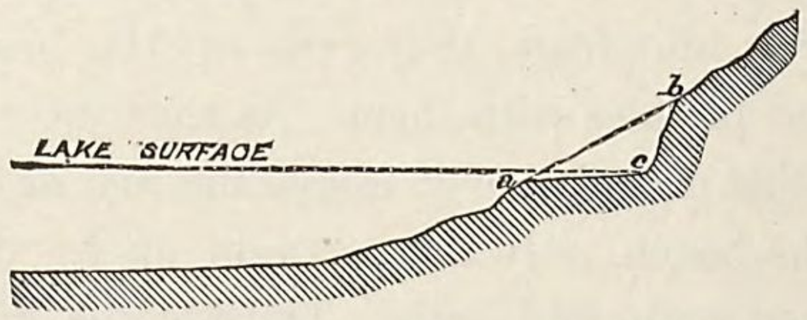


FIG. 8.—Ideal profile of a cut-terrace.

In the desiccated lake basins of Utah and Nevada terraces of this nature frequently occur that are hundreds of feet in breadth and overshadowed by cliffs which at times are a thousand feet high.

The material derived from the formation of a cut-terrace at first encumbers the shelf formed, but is soon removed by the waves and currents and its place supplied by fresh *débris*. The finest of the waste from the land is carried lakeward by the undertow and finally deposited as lacustral beds;

portions less finely comminuted fall on the outer slopes of the terrace and serve to broaden it. The coarsest of all the shore débris usually remains on the terrace and is swept along by the currents until it finds a resting-place in some embankment or wave-built bar. The portion falling on the outer margin of the terrace is frequently consolidated by the precipitation of calcium carbonate in its interstices, thus forming a conglomerate, which adds to the breadth of the structure. In this manner a terrace may become in part a work of destruction and in part a work of construction, as indicated in the following diagram, which represents a cut-terrace, as in the last figure, with the addition of an accumulation of *débris* on its outer slope.

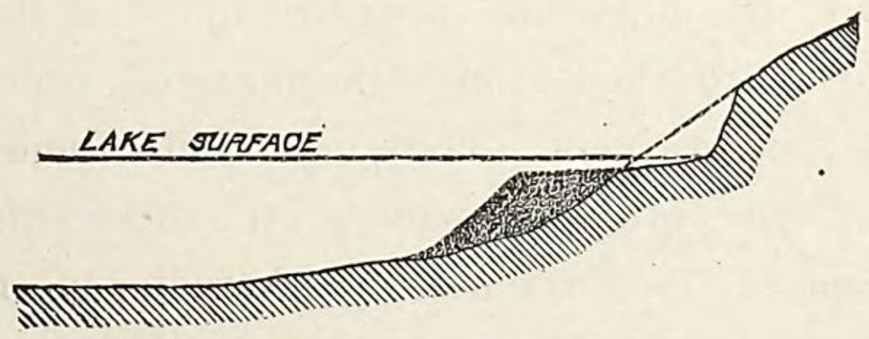


FIG. 9.—Ideal profile of a cut-and-built terrace.

Observations have shown that this is the most characteristic form of lake terrace, and illustrates the fact that the action of waves and currents in modifying shores may be divided into erosion and deposition, or the processes of destruction and construction.

SEA-CLIFFS.

The steep scarps rising above terraces are termed sea-cliffs, whether formed on lake or ocean shores. They occur especially where the borders of a lake are abrupt; but when the bluffs approach the perpendicular and form cliffs with deeply submerged bases, the action of the waves in carving terraces is reduced to a minimum, for the reason that the shore *débris* falls into deep water beyond the reach of the waves and can no longer be used as a tool in cutting away the land. On the other hand, sea-cliffs are seldom formed when the slope of the beach is very gentle. In such localities the waves lose their force before reaching the land, and deposition rather than erosion takes place. Sea-cliffs are most pronounced in rocks of heterogeneous composition, which are easily eroded, but yet sufficiently durable to stand in perpendicular escarpments.

BARS.

In the illustrations given above the effects of waves that result from winds blowing directly on-shore are alone considered. When the wind blows obliquely to the beach we have another modification of wave action. Currents are established in each instance by the friction of the wind on the water, but in the first they are at right angles to the beach and return lakewards as an undertow; in the second case, however, *i. e.*, when the wind blows obliquely to the land, the currents formed move more or less nearly parallel with the shore, as may be illustrated along any lake margin by placing floats in the water or by watching the movements of the shore-drift. It will require but little attention to assure one that during a gale strong currents are thus established along lake margins, which in some respects are similar to the flow of rivers. They carry with them a band of shore-drift, consisting of sand, gravel, bowlders, etc., the width of which depends mainly on the slope of the shore and the character of the material moved. As in the flow of streams, the transported material is carried partly in suspension and partly by rolling along the bottom. The upward wave movements tend to lift the stones and the onward movement to carry them forward. When the force of the current is checked the coarser *débris* is first deposited and the finer transported to greater distances. The movement of such current-borne streams of *débris* along a lake shore necessitates friction, which results in the comminution of the *débris* itself and the abrasion of the base of the sea-cliff against which it impinges. Shore currents are even more powerful than on-shore waves as agents of erosion, but their distinctive property is the power to transport shore-drift. In this manner the *débris* supplied by the sapping of sea-cliffs is removed and formed into new structures at the same time that it causes the detachment of fresh material from the shore, thus supplying fresh tools with the aid of which the waves remodel their boundaries.

Shore currents are usually strongest at some distance from the actual lake margin. In some instances this distance amounts to several rods or perhaps half a mile. As the maximum transportation takes place where the current is most rapid, the result is the formation of a ridge of gravel in the path of the current. Deposits of this nature are molded by the waves

into long, narrow, level-topped ridges, with rounded crests, which follow the broader curves but not the minor irregularities of lake shores They are composed of water-worn *débris* which has been assorted by currents, and when exposed in cross-section they present an irregular anticlinal of deposition. Gravel ridges of this nature have received the name of *barrier-bars.*

The altitude of the horizontal crest of a barrier bar is determined by the storm limit of the waves and currents that built it. Each such structure therefore furnishes a record of the horizon of the water's surface in which it was formed. Should a lake vary in level, it is evident that barrier bars may be constructed at many different altitudes. In the desiccated lake basins of Utah and Nevada bars of this nature frequently occur in concentric and symmetrically curved ridges, which may be followed for miles and sometimes furnish natural highways of a most excellent character.

An ideal plat of an arm of an ancient lake in which barrier bars were formed at three different levels is given in the following figure. Below

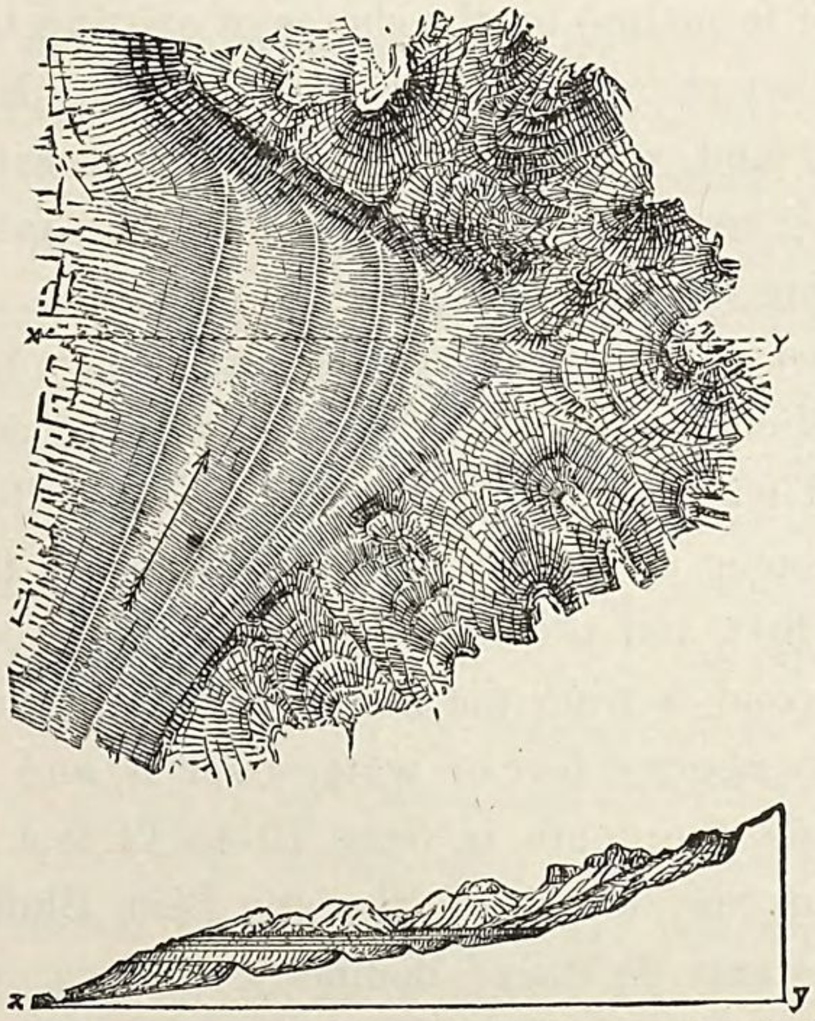


FIG. 10.—Ideal plat and section illustrating the formation of barrier bars.

the sketch is a section through the valley on the line *xy*, in which the level of the surface of the lake at the time the various bars were formed is indicated by dotted lines.

The conditions most favorable for the formation of barrier bars obtain when shelving shores occur adjacent to steep banks where sea-cliffs are forming; in such instances the *débris* derived from the sapping of the sea-cliff is swept along by shore currents, and furnishes the material for works of construction.

Sometimes a current is deflected from the shore and returns to it at another point. In this manner a looped bar inclosing a lagoon is formed. The lakeward portion of such a bar sometimes forms a definite angle; the structure then becomes V-shaped, and is known as V-bar. Bars with this peculiar form are not uncommon, and sometimes obtain great magnitude. It frequently appears as if structures of this nature had been begun in a rising lake, and that the forms of the shore deposits first made were retained and carried upwards as the lake rose, by the addition of fresh material to their surfaces. Barrier bars present other variations, some of which will be noted in the succeeding pages, which may frequently be seen in process of formation on the shores of existing lakes.

Bars of another character are also formed along lake margins, at some distance from the land, which agree in many ways with true barrier bars, but differ in being composed of homogeneous, fine material, usually sand, and in not reaching the lake surface.

The character of structures of this nature may be studied about the shores of Lake Michigan, where they can be traced continuously for hundreds of miles There are usually two, but occasionally three, distinct sand ridges; the first being about 200 feet from the land, the second 75 or 100 feet beyond the first, and the third, when present, about as far from the second as the second is from the first. Soundings on these ridges show that the first has about 8 feet of water over it, and the second usually about 12; between, the depth is from 10 to 14 feet. From many commanding points, as the summit of Sleeping Bear Bluff, for example, these submerged ridges may be traced distinctly for many miles. They follow all the main curves of the shore, without changing their character or having their continuity broken. They occur in bays as well as about the bases of promontories, and are always composed of clean homogeneous sand,

although the adjacent beach may be composed of gravel and boulders. They are not shore ridges submerged by a rise of the lake, for the reason that they are in harmony with existing conditions, and are not being eroded or becoming covered with lacustral sediments.

In bars of this character the fine *débris* arising from the comminution of shore drift appears to be accumulated in ridges along the line where the undertow loses its force; the distance of these lines from the land being determined by the force of the storms that carried the waters shoreward. This is only a suggested explanation, however, as the complete history of these structures has not been determined.

EMBANKMENTS.

The combined action of waves and currents along shores of moderate slope results, as we have seen, in the formation of cut terraces, sea-cliffs, built terraces, and barrier bars. When the shore becomes steep or any abrupt change in its direction takes place, as when the mouth of a bay is reached or a promontory projects from the shore, the current does not follow the sinuosities of the land but continues its course, and, on entering deeper water, loses its power of transportation and deposits its load. Fresh material is carried along in a more or less continuous stream by the shore current and added to that previously deposited, thus forming a subaqueous embankment. This process is continued until the deposit is raised to the level of the barrier bar or terrace, as the case may be, along which the current-borne *débris* is carried. This process continuing, the embankment increases in length but not in height; its crest, like that of a barrier bar, has its height determined by the horizon of the lake surface. It is evident from their mode of formation that embankments are but prolongations of built terraces and barrier bars; in fact one form merges into the other in such a manner that it is not always possible to determine in which list a given structure should be placed.

The formation of embankments will, perhaps, be rendered more intelligible by referring to the accompanying topographic sketch, in which a por-

tion of a gently sloping lake margin adjacent to a bay is represented. The current in sweeping along the shelving shore in the direction indicated by

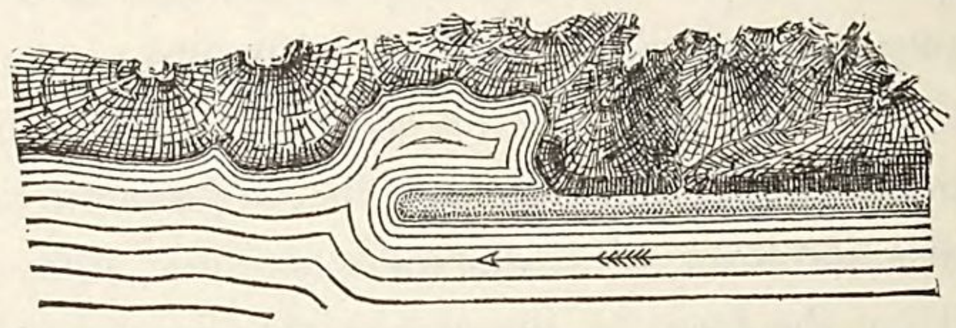


FIG. 11.—Ideal plate illustrating the formation of embankments.

the arrow, will carry with it a narrow band of shore drift; when the entrance to the bay is reached the direction of the current is but little changed; it consequently enters deeper waters where its velocity is checked and its load of *débris* deposited. Fresh material continues to be swept along the shore terrace and is added to that already accumulated until a long, narrow, level-topped embankment is built up. Current-formed structures of this nature have the character of a railroad embankment, and sometimes grow to be miles in length and perhaps several hundred feet high. Should the conditions represented in the sketch continue long enough, it is evident that the bay will eventually be cut off from the lake and form a lagoon; in such an instance it is frequently convenient to speak of the structure as a bay-embankment. In case the bay chances to be at the mouth of a stream, the embankment may become breached by the outflowing waters and repaired again by the currents, thus complicating the stratification of the deposit.

Embankments, like barrier bars, when exposed in cross section present a more or less perfect anticlinal structure due to the mode of their deposition. When buried beneath subsequent deposits, as lacustral beds, for example, and dissected by erosion, they sometimes simulate a true anticlinal formed by the folding of the strata; an instance of this nature is illustrated on Plate XXV.

Simple embankments, like that shown in the above illustration, are usually either straight or but slightly curved, and end at the distal extremity in a semicircular scarp the slope of which depends on the angle of stability in water of the material of which the structure is composed. Beyond the end of the embankment sand-banks are commonly formed by the subsidence of

the finer particles carried along by the current and held in suspension for some time after the coarser material has been deposited; as the structure is prolonged this fine *débris* becomes buried beneath the gravel and stones composing the major part of the embankment, and many times becomes folded and crumpled owing to the weight of the superimposed mass.

The action of waves and currents in forming embankments is subject to a multitude of variations dependent on the topography of the shores, on the character of the material moved, on changes in the direction of winds and currents, and on many other conditions. As may be imagined, the resultant forms are equally diverse. Should a lake be also subject to great fluctuations of level, the structure and grouping of the embankments will be still more complicated. When a lake rises, new embankments and built-terraces are formed above older ones; when it falls, previously formed structures are cut away and remodeled into new forms. In the first instance, a line of division or an unconformability will mark the junction of the older and the newer deposits; such an example is shown in cross section at *a* in the following figure, which represents contiguous built-terraces of different date: the altered conditions may also be recorded by changes in the character of the material of which the embankments are formed. In the second instance,

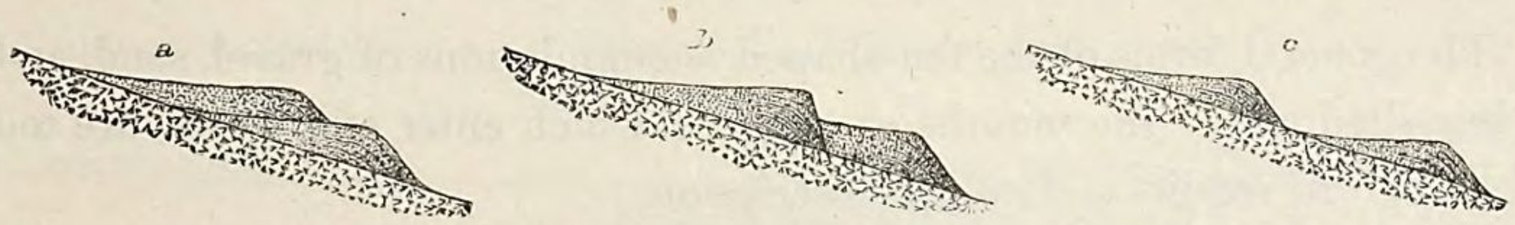


FIG. 12.—Diagrams illustrating the relative age of gravel terraces and embankments.

i. e., when the lower structure is formed subsequently to the upper, the unconformity is of a different nature as is illustrated by section *b*; in an instance of this nature the scarp of the older structure is quite commonly somewhat modified by erosion. When current-built embankments of different dates are not contiguous, as represented at *c*, their relative age cannot be determined in the same manner as in the previous examples.

Sometimes a current in sweeping past a promontory will build embankments tangent to it, which become curved or sickle-shaped at their free extremities, as is illustrated on Plate XIX; again, such embankments may curve abruptly at the end so as to resemble the letter J, and are conven-

iently designated as J-bars. Other modifications of gravel-built structures will be noticed in the descriptions of the shores of Lake Lahontan which follow.

Water at rest having no power to erode, it is evident that lakes modify their shores but little during calm weather; it is when storms are raging that the potency of waves and currents reaches a maximum, and the greater part of terrace cutting and bar building takes place. The level of the highest water line as recorded by works of construction, is the storm level; in some instances this is several feet above the normal lake surface, for the reason that the water is raised to an abnormal height along a shore against which a gale is blowing. The topography of a coast may cause the storm waves to reach a higher level in some portions than in others, as, for example, where a funnel-shaped bay opens out into a broad lake. In such an instance the water will be driven into the bay during on-shore storms and forced to a greater height than on a more open coast. For these reasons the highest beach-lines of a lake at various points are not always in the same plane; a fact that should be borne in mind while measuring the depth of fossil lakes and in studying the effects of orographic movement.

DELTAS.

The general forms of the fan-shaped accumulations of gravel, sand, and silt deposited about the mouths of streams which enter still water, are too well known to require a detailed description.

When a stream bringing silt and sand in suspension and rolling pebbles and larger rock masses along its bed debouches into still water, its momentum is checked and the greater part of its load is deposited. When the structure thus begun is undisturbed by currents it is built out equally in all directions from the mouth of the stream and thus acquires a semi-circular or fan-shaped topographic form. When a high-grade stream enters a valley it commonly deposits a heap of *débris* about the point of discharge, which has received the name of an alluvial cone; a delta may be considered as an alluvial cone that has been formed with its base below water. The part of a delta that is above the reach of the waves has the irregular structure characteristic of alluvial deposits, but the submerged portion

acquires a more or less well-defined oblique stratification, which may be called a "delta structure." During the building of a delta the stream meanders over all parts of its surface that are not submerged, and, in irregular succession, discharges at all points of its periphery; in this manner the stream-borne *débris* is carried to all points on the edge of the deposit and allowed to roll down the submerged slope. The strata thus formed are inclined, the amount of their inclination depending upon the angle of stability in water of the material deposited. Observation has shown that the slope of a delta scarp commonly is from 20 to 25 degrees. The fine sand and mud held in suspension is carried farther than the stones and gravel, and is deposited about the base of the delta scarp, decreasing in quantity and becoming finer the farther it is carried from the point of discharge. The stream-borne silt thus tends to build up a secondary cone outside the base of the main delta, which, on its outer margin, merges with the lacustral sediments deposited in the central portion of the lake. In the growth of a delta the scarp of coarse *débris* is gradually advanced on all sides and consequently overplaces the secondary cone at its base; this added weight frequently causes the fine sediment to be crumpled into folds and perhaps broken by small faults.

A delta deposited at the mouth of a high-grade stream will have three well marked divisions, as shown in the following diagram:

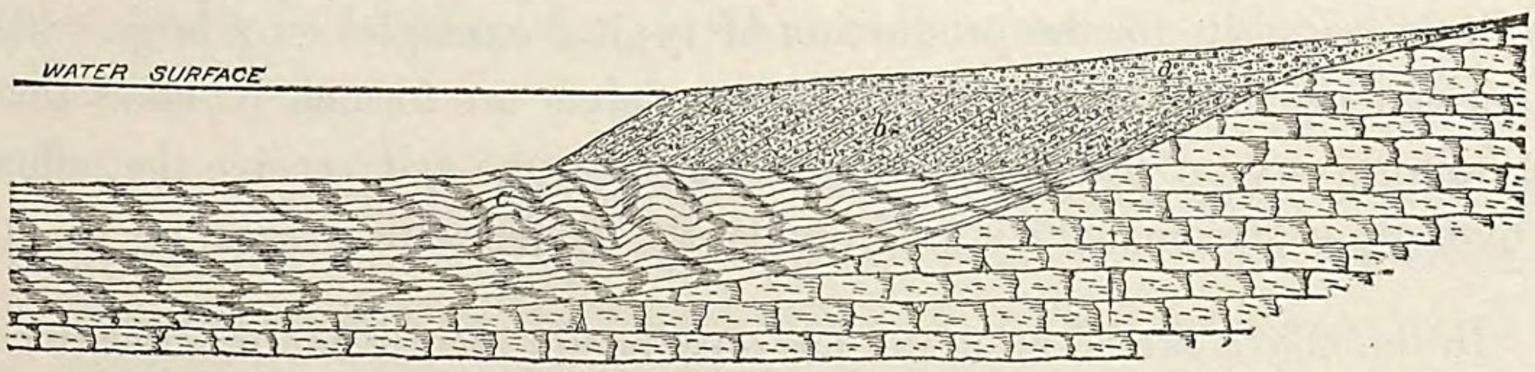


FIG. 13.—Ideal section of a high-grade delta.

At the top is an alluvial cone (*a*) of unassorted material, resting on (*b*) a deposit of obliquely stratified gravel, which in turn is built out over a secondary cone (*ca*) of sand and silt. As a delta grows, *a* becomes thickened, and is built out over *b*, which at the same time is carried forward over *c*. In this manner the characteristic tripartite structure of deltas originates. In low-grade streams, which all long rivers necessarily are, the material

transported to their mouths is fine silt, and in their deltas the divisions described above are obscure and indeterminate.

A fluctuation of lake level during the formation of deltas produces even greater modifications in their forms and structure than the same change of conditions would in the nature of current-formed embankments. When the waters of a lake rise and submerge a delta, a new one is at once commenced and carried forward in the same manner as the first, which it may eventually bury so completely that only a deep section would reveal its presence. In some ancient deltas that have been dissected by erosion a stratum of lacustral sediments is found separating two delta deposits. In such an instance the included sheet of fine material is thickest near the outer margin of the structure; the formation of the higher delta and the deposition of the fine sediments took place at the same time, the latter being finally overplaced by the former. The lowering of a lake causes its tributary streams to erode channels through their previously formed deltas and to commence the building of new ones, either in the gap thus formed, or altogether below the former structure. In some instances in the Bonneville and the Mono basins this action was carried forward at a number of successive stages until a series of small deltas were formed, each starting in the channel cut through its predecessor. In the formation of deltas, as in the construction of terraces and embankments, one of the most important conditions requisite for the production of typical examples on a large scale is permanence of lake level. The finest deltas are formed in lakes that maintain a constant horizon for a considerable time and receive the influx of high-grade streams which are abundantly loaded with *débris*.

In the above sketch attention has only been given to the modifications of lake shores and tideless seas; the action of the waves, currents and tides of the ocean receiving no consideration, because they are foreign to the scope of the present essay.

RECAPITULATION.

Cut terraces are shelves carved in the shores of lakes by the action of waves and currents; they are bounded on both their shoreward and lakeward margins by steeper slopes; the former inclines upward and forms a

sea-cliff, the latter slopes downward and forms a terrace scarp. Their upper limit is a horizontal line marking the level of the water at the time they were formed; their surfaces slope gently lakeward.

Built terraces are shelves of *débris* formed along shores and are usually adjoined to or combined with cut terraces. As in the previous instance, they are limited on their lakeward borders by terrace-scarps, and may or may not occur at the bases of sea-cliffs. Their shoreward margins are horizontal.

Sea-cliffs are scarps formed by the erosion of cut terraces; their bases are horizontal and coincide with the upper limit of terraces.

Barrier bars are ridges usually composed of water-worn gravel, deposited by currents in shallow water at some distance from land. Their crests are horizontal, and mark the storm limit of the waves and currents that built them. In cross-section they exhibit anticlinals of deposition. Aberrant forms are V-bars, J-bars, looped bars, etc.

Embankments are deposits formed by the transportation of shore drift along terraces and barrier bars, of which they are continuations, to localities where the water deepens. Like built terraces and barrier bars, they are composed of water-worn *débris*, but are frequently of great size; their tops are horizontal, and in cross-section they exhibit anticlinals of deposition.

Deltas are accumulations of stream-borne *débris* deposited about the mouths of streams that debouch into still water; topographically they are semicircular or fan-shaped, and, when seen in radial section, exhibit a tripartite structure.

Since the present chapter was written, a graphic and comprehensive summary of lake shore phenomena has been published by Mr. Gilbert in the Fifth Annual Report of the United States Geological Survey, to which the reader is referred for a more complete discussion of the geological effects of waves and currents than is contained in the present sketch.

SECTION 2.—SHORE PHENOMENA OF LAKE LAHONTAN.

In considering the question of outlet in a previous chapter, it was shown that the shores of Lake Lahontan are unbroken by a channel of overflow. It was therefore an inclosed lake, and, like others of its class, must have

been subject to repeated fluctuations of level. That such was its history is also evident from the multitude of terraces still remaining as records of its former changes. The Lahontan water-lines are lacking in strength as compared, for example, with those of Lake Bonneville, the reason being in part, evidently, that the ancient lake margins were precipitous throughout a large portion of their extent, and the water-surface was greatly broken by islands and headlands which must have retarded the force of the waves and currents; but the main reason why the old shore lines are poorly defined is that the lake surface was not held at any definite horizon for a considerable time. The records of wave action still remaining are sufficiently distinct, however, to be easily traced, except on some gently-sloping shores where the waters were shallow, and at the heads of deep narrow bays where all shore phenomena are frequently absent. In the Lahontan basin, as in all fossil lakes, the elements of shore topography to which we turn for the history of the ancient water-body are terraces, sea-cliffs, bars, embankments, deltas, etc.

TERRACES AND SEA-CLIFFS.

The most common of the records inscribed on the borders of the Lahontan basin are cut terraces. These may be traced throughout a very large portion of the basin, but are most distinct on the borders of the larger deserts. About the southern margin of the Carson Desert the ancient lake was limited by mountains of soft, volcanic rock, which yielded easily to both wave action and subaërial erosion. The result is a group of Gothic-like mountains rising from a broad, horizontally scored base. The contrast between rain-sculpture and wave-sculpture is here well marked.

In traveling over the Central Pacific Railroad between Golconda and Wadsworth, one is seldom out of sight of the long horizontal lines drawn by the waves of the ancient lake on the shores that confined them. Records of the same character may be traced continuously about the borders of the Black Rock and Smoke Creek deserts, and are strongly defined along the bases of the mountains overlooking Pyramid and Winnemucca lakes. They are again plainly legible on the steep slopes bordering Walker Lake, as may be observed by the traveler over the Carson and Colorado Railroad.

The highest of these numerous shore lines we have named the "Lahontan Beach," as it records the highest water stage of the former lake. Its elevation above the sea, as shown by lines of level connecting with the Central Pacific Railroad surveys, is 4,343 feet at Mill City, and from 4,418 to 4,427 feet at the lower end of Humboldt Lake.[40] Barometric measurements of the altitude of Pyramid Lake, for which I am indebted to Messrs. J. S. Diller and M. B. Kerr,[41] determine its 1882 level to have been 3,783 feet above the sea. The Lahontan beach in the vicinity of the lake, as measured by several lines of leveling, is 530 feet above its 1882 level, and therefore 4,313 feet above the sea. The altitude of the surface of the former lake, as determined by Clarence King, was 4,388 feet.[42] These results, together with many measurements with the aneroid barometer and by angulation, show that the old shore lines are not now horizontal, owing to the orographic movement that has taken place since their formation, as will be described in Chapter X. What their original horizon may have been is not now susceptible of accurate determination. An average of the various measurements that have been made of the present elevation of the Lahontan beach gives 4,378 feet, which is the nearest approximation we can make to its original altitude.

Besides the Lahontan beach there are three other water-lines of sufficient importance in the history of the lake to deserve special designation. One of these is a strongly defined terrace, 30 feet below the Lahontan beach, and at the upper limit of a calcareous deposit, precipitated from the waters of the ancient lake, which we have named "Lithoid Tufa"; we therefore call this the "Lithoid Terrace." Its elevation is 500 feet above the 1882 level of Pyramid Lake.

Another chemical deposit, known as "Dendritic Tufa," occurs in great quantities in the same basin, and at its upper limit is bounded by a water-line, usually but poorly defined, which we name the "Dendritic Terrace." Its elevation is 320 feet above the datum plain just mentioned.

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[40] See profile in Plate XVIII.

[41] Its elevation was determined by barometric readings at Reno and at the lake surface in June, 1884, and gave a difference of level of 715.5 feet. The elevation of Reno, as determined by the Central Pacific Railroad surveys, is 4,497 feet.

[42] U. S. Geological Exploration of the Fortieth Parallel, Vol. I, p. 507.

Between the dendritic terrace and the surface of Pyramid Lake there is a broad platform, which is the strongest and best defined of all the Lahontan water-lines. It marks the upper limit of a third variety of tufa, known as "Thinolite"; we call it, therefore, the "Thinolite Terrace." Its elevation is about 110 feet above the level of Pyramid Lake in 1882. This terrace has been found to extend entirely around the valleys occupied by Pyramid and Winnemucca lakes, and may also be followed, though with less certainty, along the borders of Black Rock, Smoke Creek, and Carson deserts.

The terraces we have named, together with the present level of Pyramid Lake, furnish four definite horizons that will be found convenient reference plains in tracing the Quaternary history of the basin. It is only at exceptional localities, however, that these terraces can be followed for any considerable distance, and at only a few points could a sequence like the one shown below be obtained from actual measurements. Our diagram is a generalized profile of the Lahontan shores.

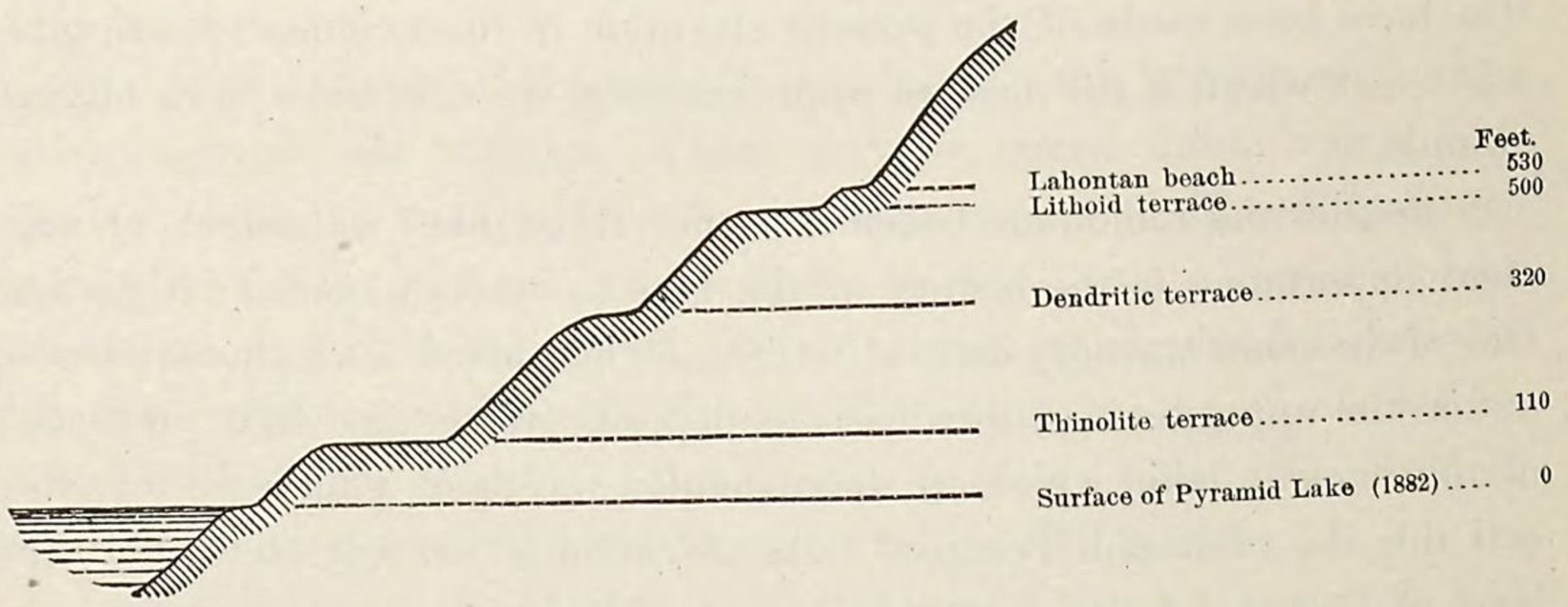


FIG. 14.—Generalized profile of Lahontan shores.

The relative age of the various water-lines shown in the diagram will be discussed in connection when the chemical history of the lake is considered.

The highest terrace of all, the Lahontan, is an inconspicuous feature in itself, but it is important as forming the boundary between subaërial and subaqueous sculpture on the sides of the valleys. It usually appears as a

terrace of construction a few feet wide, resting on the broad lithoid terrace 30 feet below. Where the shore records are unusually well displayed, as along the western margin of Pyramid Lake and on the south side of the Carson Desert, the lithoid terrace sometimes has a width of 200 or 300 feet. Resting on it we sometimes find two built terraces of gravel and rolled stones, the water-line of one being the highest of all the shore records; the second is intermediate between the Lahontan beach and the lithoid terrace. This arrangement is illustrated in the accompanying diagram, which exhibits a generalized profile of the shore:

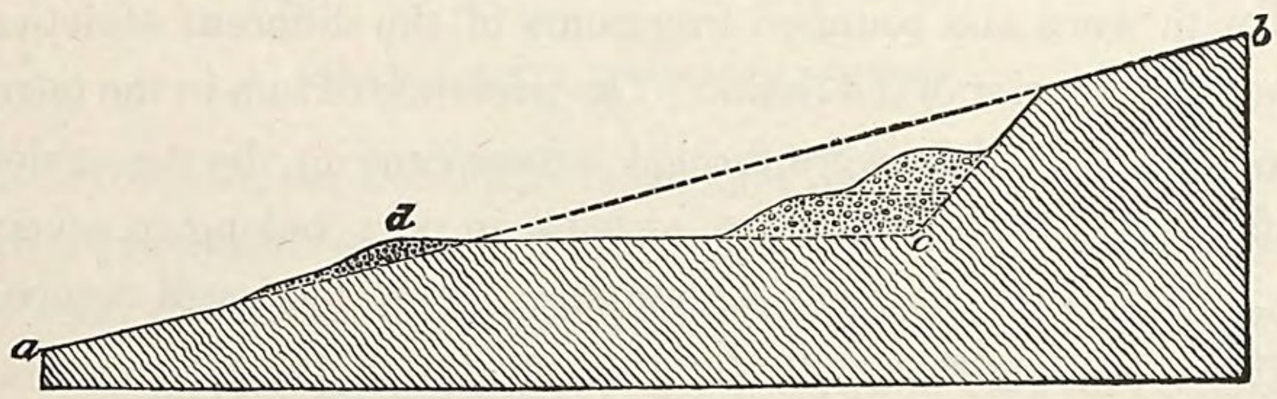


FIG. 15.—Profile of Lithoid Terrace and Lahontan beach.

The line *ab* represents the original slope of the mountain side before it was modified by the waves of the lake. The lithoid terrace *cd* was first formed, the outer edge being built of detritus. The magnitude and persistence of this terrace indicate that the water stood for a long time at a nearly constant level, allowing the waves to carve out a broad shelf from the solid rock. As we shall see further on, the terrace became coated with calcareous tufa, and its gravel was cemented into a conglomerate. At some later period in the history of the lake the water rose and built the two small embankments, or terraces, that rest upon it, but it remained at these horizons only a comparatively short time.

Besides the more definite and strongly marked terraces to which we have given names, there are a large number of less deeply engraved lines on nearly every portion of the former shore. Each of these scorings, as we well know, is the record of a pause in the fluctuations of the water surface; collectively they indicate numerous changes in the lake level. The obscurity and want of strength in many of the terraces is no doubt due in a great measure to the fact that the slopes on which they are traced have

been brought within the reach of wave action many times. In this way the records first made have been erased or obscured by subsequent additions.

One of the best localities in the basin for the observation of ancient lake-margins is at Terrace Point, near the northern end of Pyramid Lake.[43] The water-lines at this locality are drawn at nearly equal intervals, and are approximately of the same strength. Even at a distance of several miles they continue to form a conspicuous and striking feature in the scenery of the region. These terraces are the result of both the destructive and constructive action of waves and currents, and are largely composed of basaltic *débris* mingled with worn and rounded fragments of the different varieties of tufa that sheath the interior of the basin. The presence of tufa in the terraces renders it evident that they were formed subsequent to the deposition of the main tufa deposits, and, therefore, at least in part, belong to a very recent chapter in the history of Lake Lahontan. These facts will receive further consideration in the discussion of the chemistry of the tufas.

The topography of terraced shores is well illustrated on Anaho Island, Pyramid Lake, a map of which forms Plate X. The broad bench formed by the lithoid terrace extends completely about the island and forms the base for the tufa-coated crags that are apparently piled in huge pyramids upon it. At an elevation of 320 feet above the lake surface the poorly defined dendritic terrace may be seen, and nearly at the top of the island is a faint line marking the position of the Lahontan beach. At the time when the ancient lake reached its greatest extension, Anaho Island stood but 15 or 20 feet above its surface, and during severe storms must have been completely buried by the dash of the waves. The modifications of topography produced by terraces may also be seen on the Marble Buttes at the southern end of Pyramid Lake, which at one time formed a group of small islands in Lake Lahontan; and, again, about the shores of Humboldt Lake, a portion of which are shown in Plate XVIII.

Although the terraces in the Lahontan basin are sufficiently distinct to enable one to trace the outline of the ancient lake with accuracy, yet they are by no means so well defined as the similar records made by the waters of Lake Bonneville. In the former instance we have the result of the action

[43] See Plate IX.

of the waves and currents in an inclosed lake, the surface of which must have fluctuated with the seasons, and become of broad extent during long periods of more than usual humidity, only to contract again and perhaps be divided into separate water bodies with the return of arid conditions. Hence the comparative indefiniteness of its water lines. In the case of the ancient Utah lake the horizons of the most strongly defined terraces were determined by overflow; the water surface was thus maintained at a constant level for long periods, and the shore phenomena at these favored stages became the grandest that have yet been studied.

BARS AND EMBANKMENTS.

The deposits in the Lahontan basin that owe their origin wholly to the constructive action of waves and currents are far more important and instructive than the associated terraces, and are deserving of the most careful attention. Accumulations of gravel in the form of bars and embankments occur at many points along the ancient shores which we are studying, but in many cases these structures are indefinite or complicated, and their bearing on the history of the former lake is difficult to trace. We have therefore selected a few of the more typical examples to serve as illustrations of the various phenomena observed. The maps accompanying the following descriptions were drawn by Mr. Johnson from plane-table surveys made by himself, and are so truthful and graphic that they require but little interpretation.

EMBANKMENTS AT THE WEST END OF HUMBOLDT LAKE.

Humboldt Lake owes its existence to the damming of the Humboldt River by extensive gravel embankments which were thrown completely across its channel during the time that Lake Lahontan occupied the valley. The topography about the west end of the lake is represented with accuracy on the accompanying map, Plate XVIII, which embraces the entire breadth of the former lake in this portion of the valley. The highest level of the ancient water surface is represented on the map by a heavy broken line, and appears in the topography of the country as a gravel embankment, or a wave-cut terrace at the base of a sea-cliff that is sometimes a hundred feet

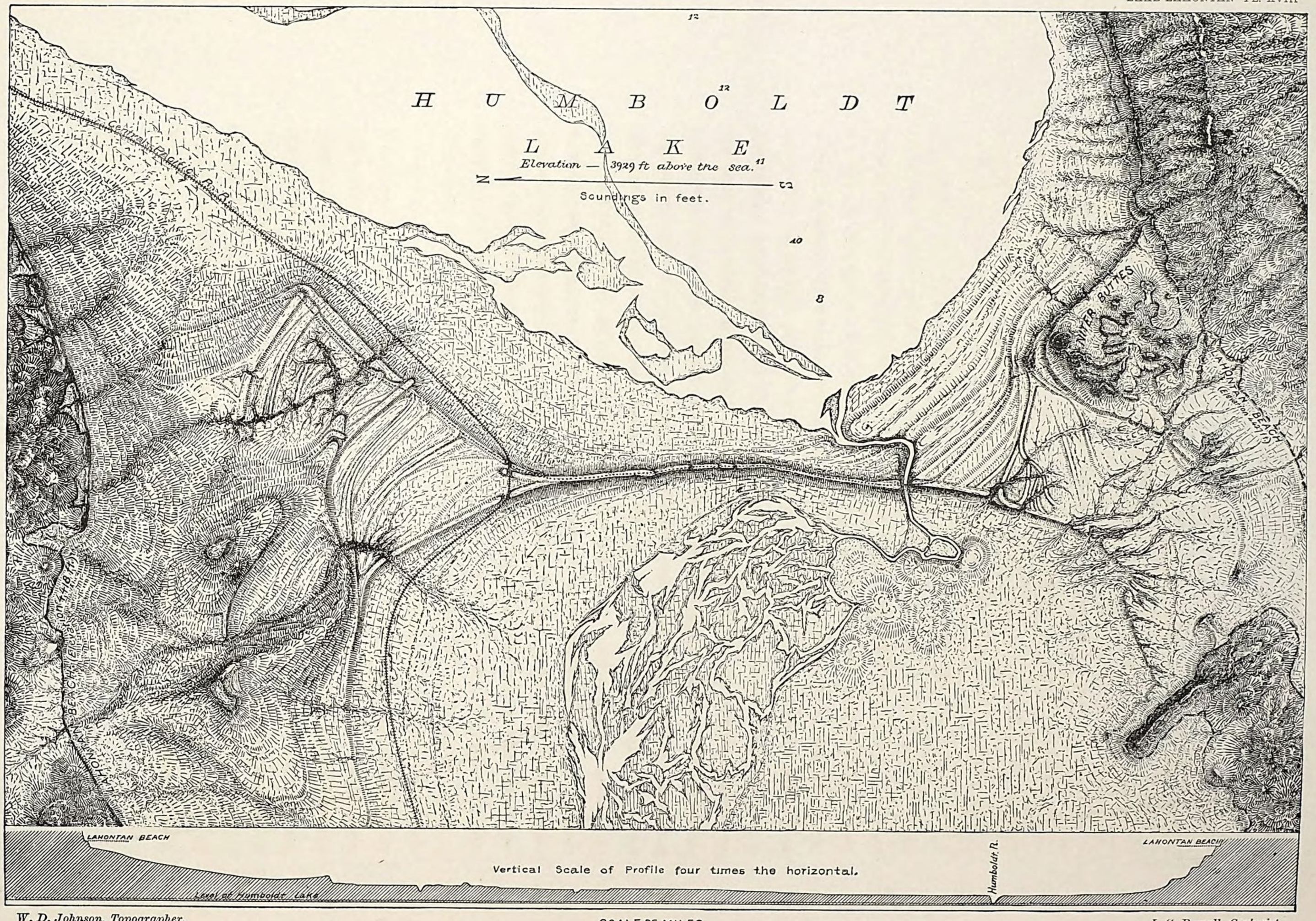
or more in height. On the western side of the valley this ancient water line is rendered especially noticeable by the cliffs of deep purple that mark its course.

The narrow valley in which Humboldt Lake is situated was a strait at the time of the higher stages of Lake Lahontan, and connected the Carson body of the former lake with the waters that occupied the northern part of the Humboldt Valley. In its topographical relations it was similar to the constriction in the valley at the southern end of Winnemucca Lake, and is paralleled in the Bonneville basin by the narrow passage, now known as the Narrows of the Jordan, which connected the main body of Lake Bonneville with the Utah Lake body. In all these localities, and in many others similarly situated that have been studied by the writer in the basins of the extinct lakes of Utah and Nevada, the beach phenomena are greatly intensified, and bars and embankments of gravel are unusually well displayed.

At the southern end of Humboldt Lake a single embankment of gravel from 50 to 125 feet in height[44] has been carried completely across the valley in such a manner as to suggest that it is an artificial structure intended to confine the drainage. At either end the main embankment widens as it approaches the shore and forms heavy triangular masses of gravel, on the surface of which appear many smaller bars built of clean, well-worn shingle. These secondary bars form ridges with rounded crests which vary from a few feet up to thirty or forty feet in height, and are nearly level-topped for long distances. These are seldom straight, but curve with beautiful symmetry, each gracefully bending ridge marking the course of a current in the waters of the ancient lake in which it was formed.

The main embankment, *i. e.*, the one crossing the valley, declines gently in height from either end towards the center, and has been cut through at its lowest point by the overflow of Humboldt Lake. The gap carved by the outflowing waters is shown in the profile at the bottom of Plate XVIII. The diagram was constructed from a line of levels run from the Lahontan beach on the Niter Buttes to the highest water line on the west side of the valley; the points selected for the beginning and the end of the line were free

[44]The base of this structure is deeply buried beneath lacustral sediments; the figures given above indicate its elevation above Humboldt Lake.



W. D. Johnson, Topographer.

I. C. Russell, Geologist.

Line of levels for constructing profile shown by dotted line.

GRAVEL EMBANKMENTS AT WEST END OF HUMBOLDT LAKE NEVADA.

bars with rounded crests, thus securing the highest records of wave action in this portion of the former lake. One result of these measurements is the proof that the beach lines on the sides of the valley, although formed at the highest water stage of the former lake, and therefore originally in the same horizontal plane, no longer have the same elevation. On the east side, the highest water line is now 498 feet above the level of Humboldt Lake, while on the west its elevation is 489 feet. Humboldt Lake, as shown by connecting our line of levels with the profile of the Central Pacific Railroad, is 3,929 feet above the sea.

In studying these wave-built structures more minutely, we find that the one which crosses the valley is composed of worn and rounded pebbles of basalt, rhyolite, granite, and quartzite, together with fragments of black slate and occasional masses of cemented pebbles. The granite and quartzite and the volcanic rock forming some of the pebbles are only found in place in the vicinity on the north side of Humboldt Lake; consequently, the currents which carried them to their present positions must have come from the northeast and followed the western border of the valley until deflected by the topography of the coast. The direction of the currents that built this embankment is also indicated by its form; to the westward it presents a steep escarpment, but the eastern slope is quite gentle and, especially near its extremities, merges gradually with the alluvial slopes in the sides of the valley. The more gentle slope indicates the general direction from which the current-borne *débris* was derived. In the following section a profile of the bar is given, constructed with the same vertical and horizontal scale, from a line of levels run at right angles to the trend of the structure at a point about two miles west of the gap cut by the overflow of Humboldt Lake.

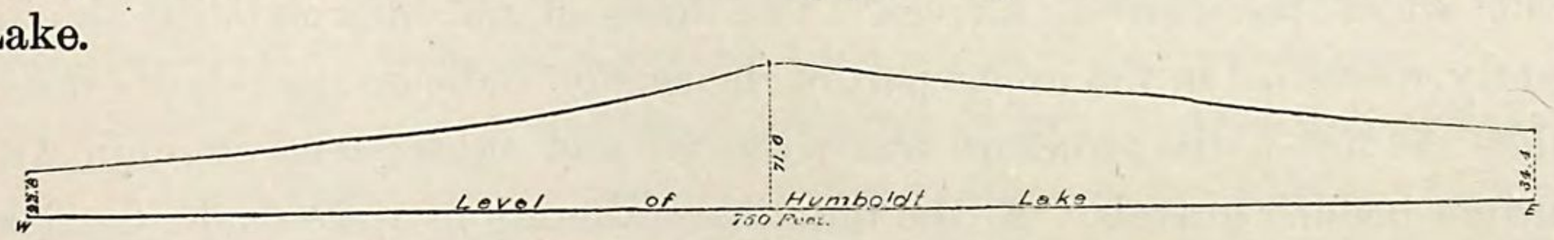


FIG. 16.—Profile of gravel embankment at west end of Humboldt Lake.

The topography of the embankment, therefore, as well as the material of which it is composed, indicates that it was built very largely by currents from the north. It is highest at the northern end, near where the railroad

crosses it, but maintains a nearly horizontal crest for at least a third of the way to the point where the river has cut through; it then falls off with an abrupt descent to a level six or eight feet lower, the crest of the structure at the same time becoming broadened and curved slightly westward. Continuing southward, one descends three more similar scarps of less height before reaching the lowest point in the embankment. Each of these descents is formed by the end of a comparatively thin layer of gravel that was added by the currents to the surface of the structure, and would no doubt have been carried along its whole extent had not a rise in the lake caused the currents to begin the formation of another similar sheet of gravel near the shore and at a higher level. Each of the steps in the crest of the embankment represents a pause in the rise of the waters of the ancient lake. The highest in the series was the last formed. The incompleteness in this instance furnishes the suggestion that similar embankments which seem from their form to be homogeneous may in reality be highly compound. The irregular stratification of the embankment retaining Humboldt Lake is illustrated by the following sketch of the section exposed on the right side of the channel that has been eroded through it The general inclination of the strata on the west side of the embankment is much greater than on

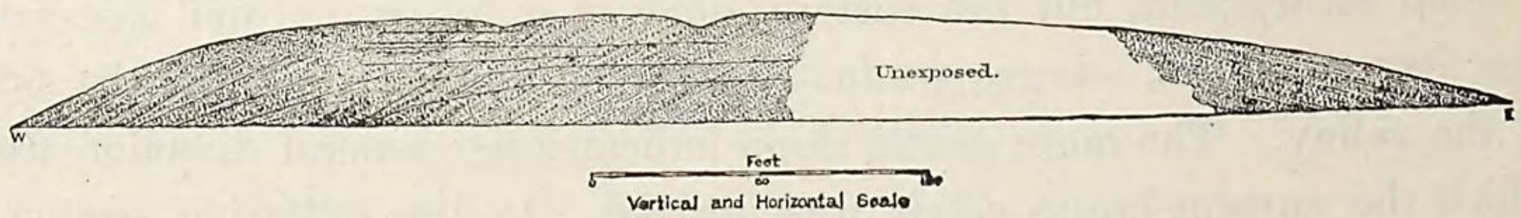


FIG. 17.—Section of gravel embankment at west end of Humboldt Lake.

the east, the reason being that in deposits of this nature the scarps sloping with the current are usually steeper than those inclined in the direction from which the current arrives. The lines of unconformability sloping gently westward in the upper part of the section indicate periods of erosion when the top of the structure was removed and subsequently rebuilt with current-bedded gravels. At the time these alterations were made, the lake surface in each instance must have been nearly on a level with the top of the embankment.

The embankment crossing the valley is older than the branching structures forming the surface at either end, as is shown by the superposition of the latter. This is well exhibited in the left side of the gap cut by

the Humboldt, where the homogeneous black gravel composing the end bars rests directly on the more heterogeneous material forming the main embankment. Its greater age is also shown by its being incrusted on its western slope by the three main varieties of Lahontan tufa hereafter to be described, while the end bars are almost entirely free from these deposits.

In a terrace of black gravel on the northern slope of the Niter Buttes, dendritic tufa between heavy beds of gravel indicates that there were periods of bar building both before and after the formation of the tufa. On the north side of the valley, northeast of the north end of the main embankment, an arroyo has cut the gravel deposits so as to reveal an interbedded stratum of white marl; this again marks a division between two periods during which embankments were formed. These interruptions in the gravel deposits are noted now as a part of the facts observed in the region we are describing, but their connection with the history of the lake will be described in a future chapter.

The embankments on the south side of the valley, as shown on Plate XVIII, appear, topographically, to be branches of the main structure, but in reality they were formed at a later date by currents sweeping westward along the southern border of the valley. This is shown not only by their being tangent to the projection formed by the Niter Buttes, but is also evident from the nature of the material of which they are composed. The Niter Buttes and Mopung Hills are rhyolite, while the mountains skirting the southern shore of Humboldt Lake are largely composed of black slate. The gravel forming the symmetric embankments at the base of the Niter Buttes is composed almost wholly of water-worn pebbles of black slate, and could only have been derived from cliffs of the same material to the eastward; the gravel of which the bars are composed may, in fact, be traced continuously to the quarries from which it was obtained.

On the steep western slope of the Niter Buttes are a number of terraces, each of which records a pause in the fluctuation of the lake in which they were formed. The most conspicuous of these is a broad shelf of black gravel which girdles the promontory at an elevation of 220 feet above Humboldt Lake. The gravel forming this shelf consists of well-rounded fragments of black slate identical with those composing the bars at a lower

level, and derived from the same source. As the rock composing the buttes has a bright reddish tint, the position of this terrace is rendered conspicuous by contrast in color. At the southern side of the buttes this terrace leaves the steep slope and crosses an alluvial cone, changing at the same time from a terrace to a barrier bar with a rounded crest. In cross-section, like nearly all gravel bars, it exhibits an oblique stratification which is most pronounced on the lakeward slope.

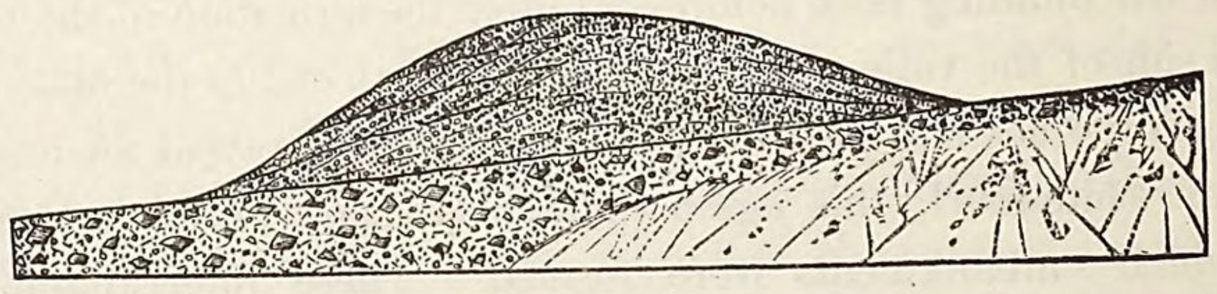


FIG. 18.—Section of bar on the Niter Buttes.

The angular alluvium on which the bar rests is largely composed of brightly-colored rhyolite, derived from the cliffs above, while the bar, like the terrace of which it is a continuation, is almost wholly formed of pebbles of black slate, which indicate by their rounded forms and polished surfaces that they have traveled a long way since leaving their parent ledges in the cliffs on the southern border of Humboldt Lake. On following these gravels still farther southward, we find that they again form a terrace, which soon loses its identity, however, on approaching the Mopung Hills.

The group of bars on the north side of the valley, like the corresponding structures at the base of the Niter Buttes, are level-topped ridges of clean, well-worn gravel, forming graceful curves; but the gravel in this instance was very largely contributed by currents from the west. The spaces inclosed by these ridges are in almost all cases floored with light-colored mud, forming playas, which are converted into shallow lakelets by every storm. The relative age of these bars may be determined in some instances by the superposition of one upon another, and by the fact that some are partially covered with tufa, while others, of later date, are free from that deposit.

The complexity of these embankments, arising from the fact that they were formed at many horizons and at various stages in the former lake, together with the erosion and rebuilding that has taken place, renders their

structure complex and their bearing on Lahontan history, *i. e.*, their value as records of Quaternary climate, exceedingly difficult to trace. From the occurrence of Lithoid tufa[45]—the oldest variety found in the basin—on the western slope of the main bar, it is evident that the deposit of gravel at this locality was commenced early in the existence of the old lake, perhaps at the very first rise of its waters; and, as we have seen, enlargement and reconstruction have taken place at many subsequent periods and at many stages in the vertical range of the lake's surface.

The trifling changes that have occurred in the area embraced by the accompanying maps, since the withdrawal of the waters of Lake Lahontan, are indicated by the arroyos or small water-courses cutting the embankments, and by the gap eroded by the overflowing waters of Humboldt Lake; with these exceptions, the structures are as fresh in appearance and as perfect in form as if they had been exposed to subaërial degradation for only a few years.

The contrast in the topography above and below the Lahontan beach, in the region about Humboldt Lake, is so pronounced that it at once attracts the attention of the observer. The mountains above the level of the former lake have the rugged and angular aspect characteristic of the subaërial erosion of arid climates, while below that horizon the topography is remarkable for its sweeping curves and flowing outlines. In the former instance the direction of the lines of erosion is controlled by the flow of rills and rivulets, and approaches the perpendicular; in the latter the predominating lines in the landscape are modeled by the waves and currents of a level water surface, and are therefore horizontal. The characteristics of the topography in one instance are due to subaerial, and in the other to subaqueous, conditions.

Orographic movement has taken place on a grand scale in the region represented on Plate XVIII. This is illustrated by the great fault, with a throw of several thousand feet, which determines the northwestern face of the west Humboldt Range. This fault passes between the Niter Buttes and the main range to the southward, and a curving branch determines the western face of the promontory formed by these buttes. The nearly perpendicular

[45] Thinolite and dendritic tufa also occur in abundance at this locality.

northern face of the Mopung Hills was also formed by the same displacement. The greater part of the orographic disturbance in this region took place previous to the rise of Lake Lahontan, and gave origin to the main features in the structure of the basin now occupied by Humboldt Lake. Movements must have taken place along this line of fracture during the inter-Lahontan time, as is indicated by sloping terraces on the western face of the Niter Buttes. Since the withdrawal of the waters of the former lake the fault at the immediate base of the west Humboldt Range has increased its displacement 50 or 60 feet, and formed fresh scarps in Lahontan gravels (see Plate XLV). There has also been some recent movement in the branching faults about the base of the Niter Buttes, which may be traced for a considerable distance across the alluvial slopes to the westward, and appears again at the base of the Mopung Hills. The displacements, noticed above in explanation of the accompanying map, will receive further attention in Chapter X, which is devoted to post-Quaternary orography.

EMBANKMENTS ON THE SOUTHERN BORDER OF THE CARSON DESERT.

On the south shore of South Carson Lake there stands a bold, rugged promontory of basaltic rock that is girdled with terraces and incrusted with tufa about its base. During the existence of Lake Lahontan, this butte formed a high, rocky island, that was separated from the mainland to the southward by a narrow strait, partially obstructed by small islands, through which the currents must have swept with great force. On the southern or mainland border of the strait, the group of gravel bars represented on Plate XIX were formed.

The changes wrought by waves and currents are marked with unusual distinctness all along the southern margin of the Carson Desert. This was the shore of the largest open water area of the former lake, and was exposed to the full force of storms from the north. The conspicuous sea-cliff on the southern margin of the Carson Desert may be followed all the way to the pass near Allen's Springs, where it is bold and rugged, as represented by the heavy hachuring at the top of the accompanying plate. During the higher stages of the lake the currents swept southward through the pass, carrying with them the *débris* of the sea-

GRAVEL EMBANKMENTS ON SOUTH BORDER OF THE CARSON DESERT, NEVADA.

cliffs, and depositing it in less exposed situations under the lee of the promontory where the shore receded and formed a bay. The sickle-shaped bars with free extremities, which resulted from this action, indicate by their forms, as well as by the character of the pebbles and stones composing them, the direction followed by the currents to which they owe their origin. The hill represented at the top of the accompanying map is of white rhyolite, with a high, narrow spur of black anamesite projecting from its southern border. The latter rock also composes the hills represented in the southwestern portion of the map. Between these rugged outcrops there is a gentle slope of alluvium, cut by miniature drainage lines. The striking contrast in the color of the rock in place at either end of the embankments enables one to determine at a glance the localities from which the stones composing them were derived.

The broad, lightly shaded bands on the right of the map, having a southeast bearing, are low gravel bars that form the crest of the divide in the pass, or ancient strait, and are now separated by a smooth playa. The drainage north of these bars is into South Carson Lake, while the rill-lines south of them combine to form a water-course that leads eastward past Allen's Springs into the desert valley which opens southward. The curved bars, shown in the central portion of the map, are thus confined in vertical range between the highest water-line of the former lake, *i. e.*, the Lahontan beach, and the highest part of the pass in which they occur. This interval measures 114 feet, or, in other words, the water was 114 feet deep in the shallowest part of the strait at the time the highest embankment was formed.

The highest of this series of gravel structures are shown at A and B on the map. A is a short, curved bar, 3 or 4 feet higher than the long, sickle-shaped embankment on which it rests, and is composed of well-worn stones and gravel of anamesite and rhyolite. That this bar was built subsequent to the much longer embankment beneath is proven by the stratification to be observed at its terminus. Its outer or lakeward slope is regular, with a curved contour that is the result of deposition. Had the lower embankment been built last, the outer slope of the higher structure would have been cut away by shore erosion, so as to form a sea-cliff. The embankment at B is at the same horizon as the smaller

one at A. It leaves the shore and returns to it, thus forming a loop inclosing a cup-shaped depression 5 or 6 feet deep, now smoothly floored with playa mud. The long, curved bar C has a smooth, evenly rounded top and a nearly horizontal crest-line, which decreases slightly in height, however, as we approach its southern end, where the curvature is more abrupt. Like all the embankments in the series, this is composed largely of rhyolite, with some anamesite, all rounded and well worn, but coarsest near its northern end. At its southern end it becomes broader, as well as more sharply curved, and shows three or four minor divisions, thus indicating that it is a compound structure throughout. The area to the westward of this embankment, once a lagoon, is now a playa, floored with smooth, horizontal, light-colored mud, that is unclothed with vegetation of any kind. That the embankment C is of a later date than the platform on which it rests is shown by the same kind of evidence that proves it to be of older date than the bars superimposed upon it. This is an interesting conclusion, as the bar below C is incrusted and cemented with lithoid tufa, thus showing that the higher bars were constructed after the formation of the calcareous deposit. The bar C is a portion of the water-line designated as the lithoid terrace on page 101. The highest exposure of tufa is here about 25 feet below the Lahontan beach. A corresponding relation of the lithoid terrace to the highest beach line has been observed at a number of other localities in the Lahontan basin, and will again claim attention when the oscillations of the lake are considered. The outer margin of the platform on which the bar C rests has been cut away by waves and currents so as to expose a steep sea-cliff of cemented gravel, and furnishes the only example in the group of a gravel structure that has suffered erosion by the waters of the lake in which it was formed. Below this horizon are other curved and sickle-shaped embankments, the relative age of which is indicated by the manner in which they overplace each other. The topography of these structures, and the playas they contain, are faithfully represented on the accompanying map.

The bars described above, with the exception mentioned, are unaffected by erosion, and are as smooth and regular as if their elegantly curved ridges were formed but yesterday. They afford beautiful examples of the symmetry of water-built structures.

The sea-cliff marking the horizon of the highest water-line is a conspicuous feature on the more exposed shores in the area embraced by the accompanying map, but cannot be distinguished on the alluvial slopes of the bays, where the water was shallow and sheltered from waves and currents. The material cut away to form the sea-cliffs shown in the lower part of Plate XIX was carried southward and built into a series of looped and V-shaped bars, inclosing deep cups, at another angle of the shore, a few hundred yards away.

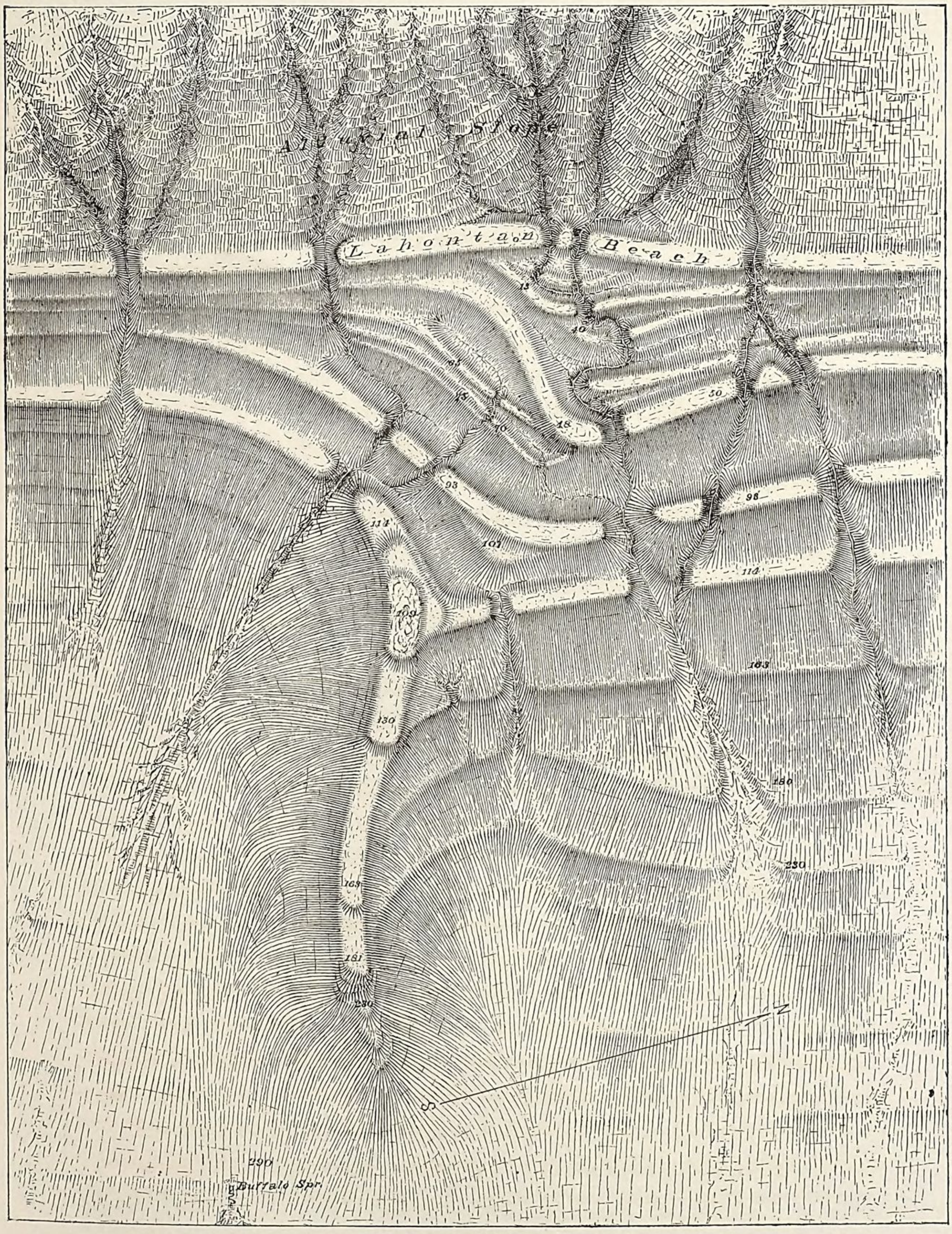
EMBANKMENTS AT BUFFALO SPRINGS, NEVADA.

Passing north from Carson Desert, one crosses a low, narrow divide, once a strait in Lake Lahontan, and enters a valley having a broad playa in its central portion and surrounded on all sides by alluvial slopes, above which rise angular mountain crests. Around the borders of the valley, at an elevation of about 300 feet above the playa, the Lahontan beach can be traced with distinctness. The lowest point on the pass at the north end of the valley is higher than the Lahontan beach, and was never crossed by the waters of the old lake. The valley was therefore a typical *cul-de-sac* at the time it was flooded by Lake Lahontan. Owing to the abundance of loose material furnished by the alluvial slopes, the shore phenomena in the valley consist almost entirely of works of construction. The most common of the structures due to shore action are rounded beaches of gravel, looped bars, and peculiar embankments, not designated by a special name, that extend out nearly at right angles to the general trend of the ancient shore and form conspicuous features in the topography of the basin. A locality near Buffalo Springs, at which these various features are well displayed, is represented on Plate XX. On the map the crests of the bars are light and the slope of their sides represented by hachures. The figures at various points represent vertical distances in feet below the Lahontan beach, which is taken as zero. They may be considered as soundings made in the ancient lake during its highest stage. Each of the bars has the form of a railroad embankment, with a somewhat rounded crest; they are even more clearly defined when examined in the field than they appear on the map, as

the nature of their material and the general absence of vegetation from their surfaces serve to accent the topographic forms.

Buffalo Springs are situated on the western border of the valley, at an elevation approximately 25 feet above the playa and 300 feet below the Lahontan beach. On Plate XX a portion of the border of the valley is represented which extends from Buffalo Springs to an elevation a short distance above the highest water line of the former lake. If the map had been continued a mile or two westward, it would have shown a greater portion of the sloping pediment of alluvium that surrounds the valley; and if extended for an equal distance east, it would have embraced a portion of a much gentler slope which finally merges with the playa in the bottom of the basin. The alluvial slope represented on the map above the highest beach shows a few of the numerous drainage lines which during the infrequent rains conduct the surface waters to the bottom of the valley. The influence of the beaches in deflecting the water-courses is indicated, as is also the manner in which streams shift their channels, and sometimes bifurcate, on alluvial slopes.

The first feature to attract attention on inspecting this group of embankments is the fact that they were built from the bottom up. The oldest in the series, so far as now exposed, is the lowest. The last formed is the Lahontan beach. Another division in reference to age is also possible, as a portion of the bars is coated with tufa, while other portions are free from that deposit. On referring to the plate it will be seen that the lowest well-defined beach occurs at a horizon 114 feet below the highest water line. This is a gravel ridge, forming an irregular V-bar, from the apex of which a somewhat curved embankment of gravel extends into the valley for about half a mile. The projecting bar is coated with lithoid and dendritic tufa, but the structures at a higher level are free from such deposits. The projecting bar has also suffered from erosion much more than those at a higher level, and, besides, is coated with fine sediments. It thus appears that the structures below the level of the lowest well-defined beach were formed before the deposition of the lithoid and dendritic tufas, while the bars and beaches above that horizon were built at a subsequent date. From data afforded at other localities we conclude that the construction of the higher



W. D. Johnson, Topographer. *I. C. Russell, Geologist.*

GRAVEL EMBANKMENTS AT BUFFALO SPRINGS, NEVADA.

beaches took place during the last high-water stage of the lake. This determination, however, will appear more clear to the reader as we advance with our studies.

An inspection of the map shows that all the structures there represented were built in a rising lake, and were but little, if at all, modified by the waves and currents as the waters receded. This statement requires qualification however. We may be certain from the perfection of the ridges that the retiring waters did not tend to destroy them, but, on the other hand, they may have received additions. It is probable that gravel structures like those under discussion, when formed in a rising lake, would induce deposition at the same horizons during a recession of the waters. The sections of the structures at Buffalo Springs fail to give information on this point.

The only modifications that have taken place in these deposits in post-Lahontan times are due to the erosion of the rills that cross them and the partial removal of the fine sediment deposited over the older bars.

At the extreme distal end of the embankment that projects into the valley there are considerable accumulations of sand, illustrating the fact that fine material is carried farthest by currents when structures of this character are found, and showing why the bottoms of gravel embankments are frequently composed of sand. On either slope of the embankment the gravel of which it is composed is concealed beneath fine sediments, which must have been deposited when the lake stood over the structure. The looped bars high in the series at one time contained lagoons in which mollusks found a congenial habitat, as is shown by the multitudes of shells, principally of *Pompholyx*, that crowd the marls in the miniature playas behind a number of the embankments.

Three miles south of Buffalo Springs there is another group of embankments similar to that described above. These are represented on the sketch-map forming Plate XXI.[46]

[46] This map is less accurate than the one forming Plate XX, but it indicates the main features of the structures as well as could be desired. The figures on Plate XXI are from aneroid measurements, and indicate approximately the depth of water at the highest water stage of Lake Lahontan. The figures on Plate XX are from measurements with an engineer's level, and may be considered accurate.

All the structures in this group were formed mainly by currents from the south, which swept along the lake shore, carrying shore drift with them, and were deflected from the land upon arriving at the place where deposition had been initiated. This is shown not only by the curvature of the terraces as they approach the bars, but also by the fact that the structures are much the steeper on the north side.

In these beaches and embankments, as in those at Buffalo Springs, two clearly defined divisions may be seen, which are of different age. The long bar projecting into the valley and marked with the numbers 95 to 100—indicating depth of water in feet at the highest stage of the former lake—is of older date than the group of V-shaped structures at a higher level.

The main embankment has a broad, smooth top, which is covered in places with lithoid and dendritic tufa, and is partially coated, especially on the sides, with fine lacustral sediments. Below the point marked with the figures 190, there is a steep scarp nearly a hundred feet high, from the base of which the bar continues on in the same direction as at the higher levels, but is more deeply covered with sediments, and finally becomes so completely inclosed that its presence is only indicated by the rise of the lacustral beds as they arch over the buried structure. The main embankment is thus older than the stages of the lake during which lithoid and dendritic tufa was precipitated, and was formed previous to a high-water period, during which the lacustral beds covering the structure were deposited.

Considering next the group of V-shaped bars at the north of the main structure, we find that the base of this compound group, so far as is revealed by the topography, is older than the highest portion of the main embankment, which was built upon it. The structures that occur from the Lahontan beach down to a horizon 75 feet below that level are of later date than the bar which is prolonged into the valley, as is shown by their freedom from both lacustral sediments and tufa deposits.

The difference in age of the two main divisions of this group thus furnishes evidence similar to that presented at the Buffalo Springs locality. The higher structures in each case are the younger. These two groups are the complement of each other, however, in the fact that the one at Buffalo Springs was built principally by currents from the north, while the second

W. D. Johnson, Topographer. *I. C. Russell, Geologist.*

GRAVEL EMBANKMENTS THREE MILES SOUTH OF BUFFALO SPRINGS, NEVADA.

group, three miles south along the same shore, was constructed almost entirely by currents from the south.

The manner in which a gravel structure once started on the margin of a lake continues to induce deposition in case the waters rise, is well illustrated by the group of bars at the right on Plate XXI, which is literally a pile of V-bars, the lowest in the series being the oldest. The thickness of gravel in this compound structure exceeds a hundred feet, and, as shown by the topography, the material composing it was nearly all brought from the south.

Besides the embankments that have been specially examined, there are many others in the Lahontan basin of equal magnitude and perhaps equally instructive, which illustrate the variety of topographic forms produced by the action of waves and currents.

On the east shore of Walker Lake are two localities where gravel embankments of large size have been built out from the old lake shore and form capes the ends of which are washed by the waves of the present lake. These may be distinguished on Plate XV by the manner in which the railroad curves about them, close to the water's edge. At each of the localities there are a number of V-shaped gravel deposits that have been built one above another from a common base, so as to produce an exceedingly complicated structure.

In Alkali Valley, about three miles west of Sand Spring Pass, is another locality where the gravel accumulated along the shores of the former lake may be studied to advantage.

Other deposits of the same character may be seen on the east side of Humboldt Valley, between Rye Patch and Humboldt House, and again at the south end of Winnemucca Lake. A plat of the gravel structure at the last named locality is given below, which will serve as an illustration of the manner in which an embankment of large size may be thrown across a narrow strait so as to obstruct the drainage when the waters retire.

The deposits at this locality are very similar to the embankment at the west end of Humboldt Lake, represented on Plate XVIII, and find a parallel in the Bonneville basin in the immense bar at Stockton, Utah. In the

instance before us, the gravel forming the embankment was brought by shore currents from the north, along the east side of Winnemucca Valley, and deposited, when the current was deflected from the shore, so as to build the structure still remaining. This is a remarkably uniform embankment,

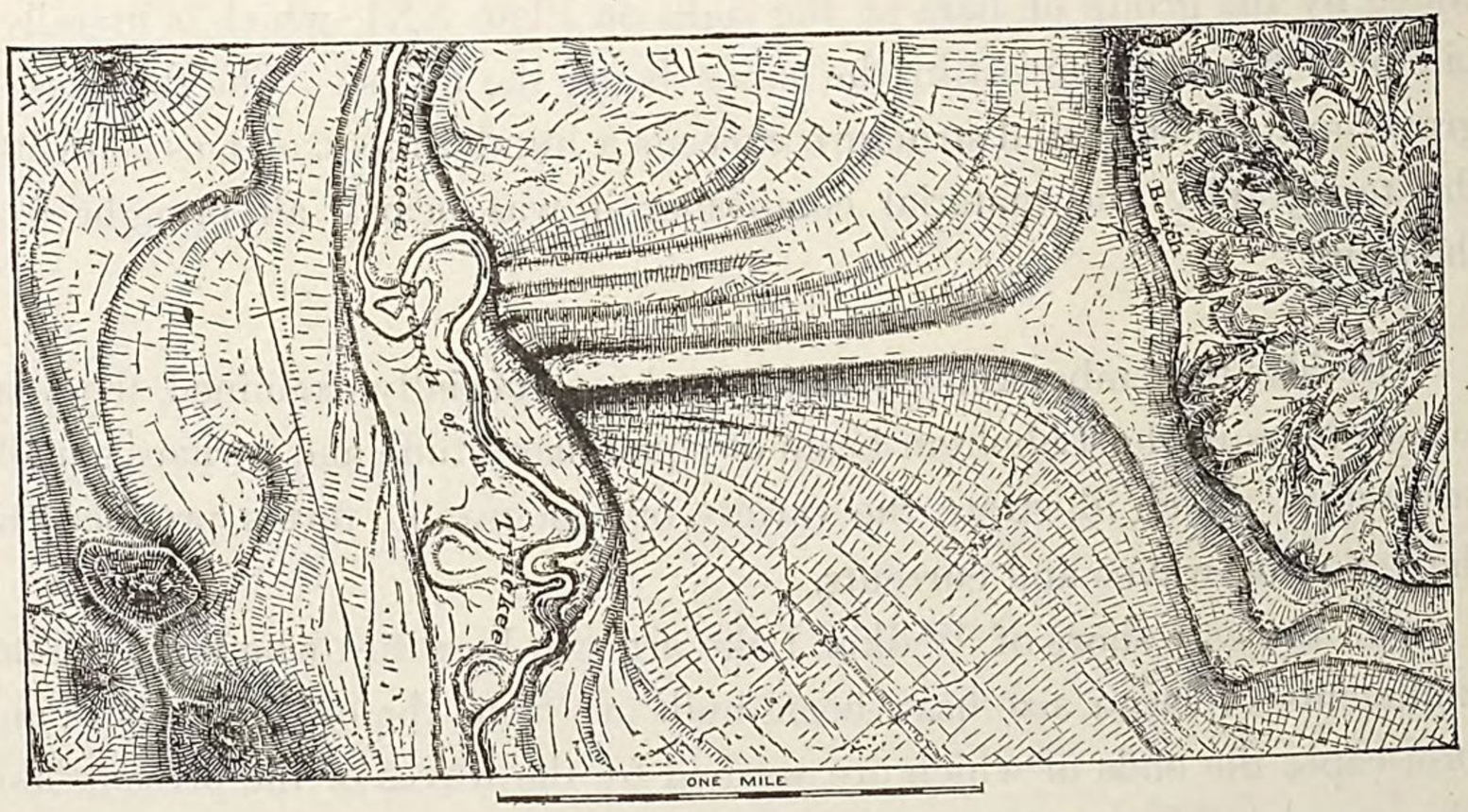


FIG. 19.—Gravel embankment at south end of Winnemucca Lake, Nevada.

about 250 feet high, which has all the features of an artificial structure intended to dam the valley of Winnemucca Lake. Its western end does not reach quite to the west shore of the strait, and since recession of the waters in which it was formed it has been truncated by the erosion of the branch of the Truckee River which flows into Winnemucca Lake. A portion of the section exposed by the removal of the end of the embankment is accurately shown in the following diagram.

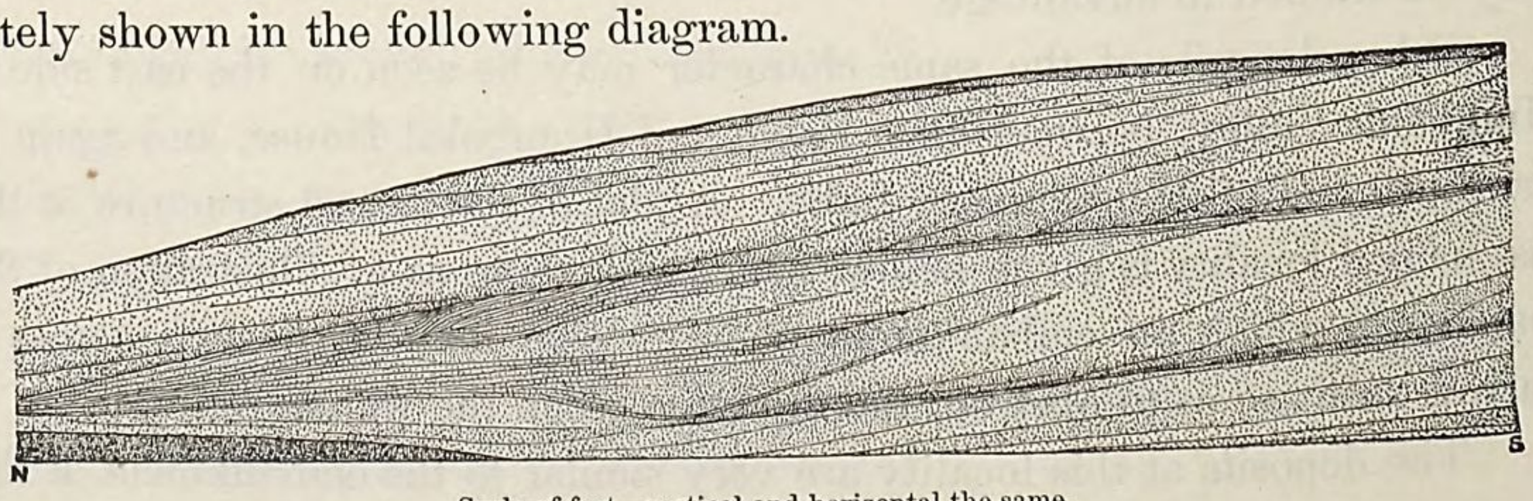


FIG. 20.—Section of gravel embankment at south end of Winnemucca Lake, Nevada.

On the west side of the gap through which the Carson River leaves Churchill Valley there is a group of curved bars that were built out from a small butte, once an island in Lake Lahontan, by currents flowing out of Churchill Valley. A note-book sketch of these structures is reproduced below, on a scale of about 500 feet to 1 inch, which will serve to indicate the character of the phenomena found at this locality.

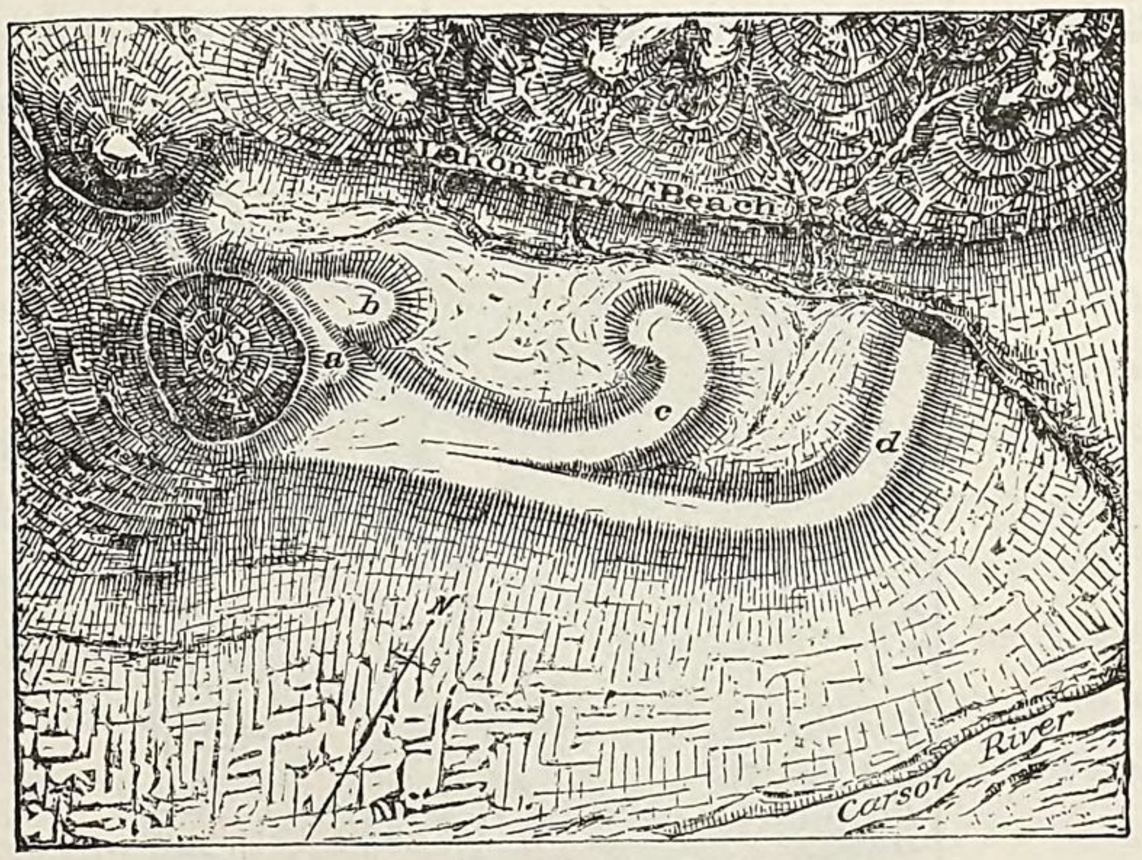


FIG. 21.—Sketch of gravel embankments in Churchill Valley, Nevada.

These bars or embankments are quite similar to those near Allen's Springs (see Plate XIX), and, as is so frequently the case, have been built from the bottom up; the highest in the series is the youngest. In examples of this nature, however, the deposits made as the waters fell may have been added to the surfaces of the older structures. This is indicated in the example shown in the sketch, by the fact that the outer scarp of the higher terrace *a* has been cut away, the material removed being spread out over the embankments *c* and *d*. In the illustration, *a* is about 20 feet below the Lahontan beach, while *b* is 20 feet lower. The surface of *c* is 25 feet lower than *b*, and on the same general level as *d* Both *c* and *d* decline gradually in elevation towards the distal extremity. The longest of the bars has been truncated by the erosion of the waters which sometimes flow down the arroyo shown in the sketch

In the northern part of the Lahontan basin, fine examples of water-built gravel embankments may be seen at the northern end of the Slumber-

ing Hills, and at the corresponding extremity of the Jackson Range; also, at the southern terminus of the Quinn River Mountains, and about Black Rock Point. All these localities were prominent headlands in the ancient lake, and were swept by strong currents which brought gravel and sand from the adjacent shore and deposited it on the salients of the land when the currents were forced into deep water

A note-book sketch of the embankment at the south end of the Quinn River Mountains is reproduced in the following diagram:

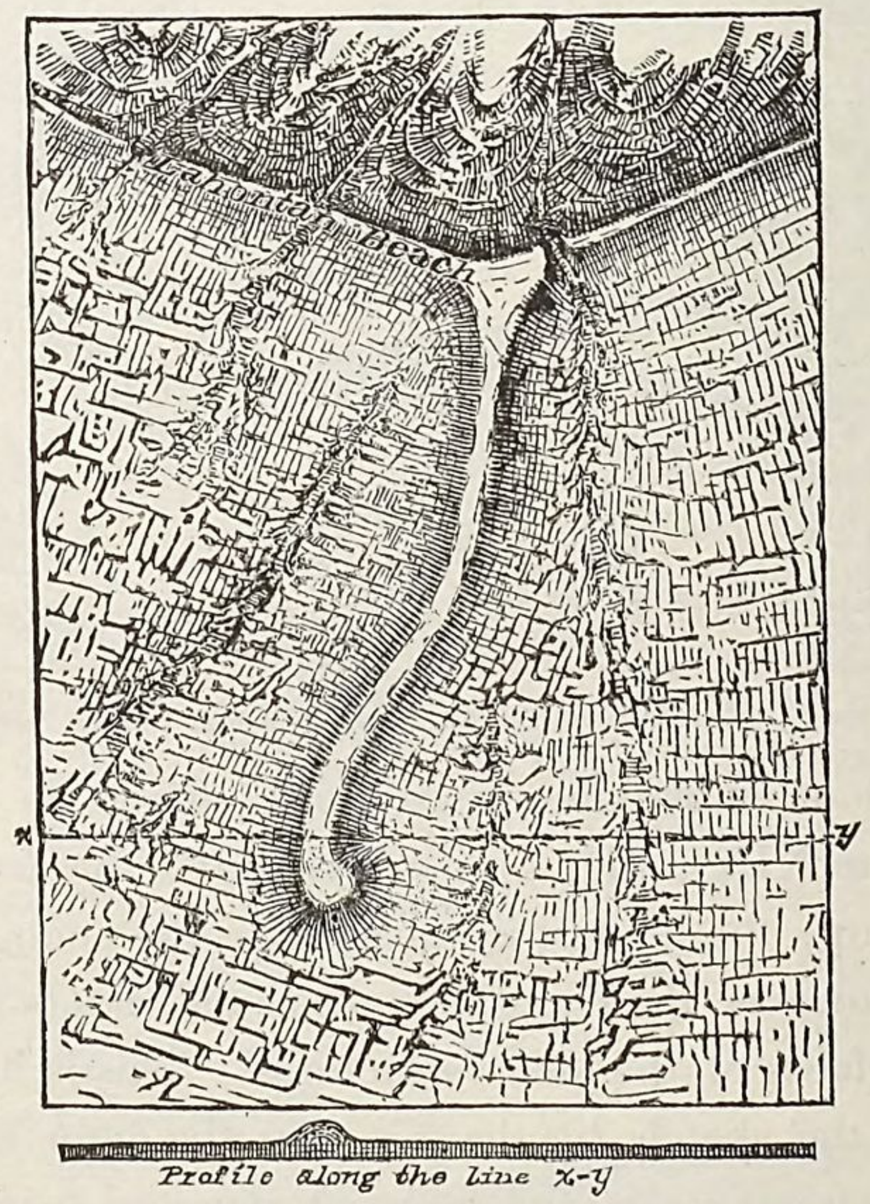


FIG. 22.—Sketch of gravel embankments at south end of Quinn River Mountains, Nevada.

The embankment is about 1,500 feet long, and at the point where the profile was sketched is 100 feet broad and 40 feet high. It projects from a salient where the current from Quinn River Valley left the shore on entering the strait between the Quinn River Mountains and the Slumbering Hills. The valley at this point is about 4 miles broad, and, during the existence of the ancient lake, formed a strait connecting two comparatively large water-

bodies. The embankment was built by currents from both the north and the west, and was carried out over horizontal lacustral beds, as represented in the sketch.

The buttes in King's River Valley were islands in Lake Lahontan and became surrounded by terraces, bars, and embankments that were built by the currents sweeping past them.

The topographic forms produced by the deposition of gravel in the paths of currents are extremely varied, and usually present curving contours and smooth, rounded crests, that are in marked contrast to the angular mountain slopes rising above them. Wherever the current-built structures of ancient lakes occur, one is sure to find an illustration of the striking contrast exhibited by the angular reliefs produced by subaërial erosion, and the rounded and flowing outlines resulting from the action of waves and currents. Aside from the bearing that these gravel embankments have on the geological history of the basin, one may always derive aid from them in determining the action of currents in existing lakes. The hydraulic engineer will do well to study the processes employed by nature to accomplish results that are frequently analogous to the works desired by man for improving navigation or providing a haven for shipping.

DELTAS.

The study of the records left by Lake Lahontan has added but little to our knowledge of deltas, for the reason that the lake was too inconstant in level to favor their formation, and also because nearly all the tributary streams entered the lake at the heads of narrow bays and estuaries, which were unfavorable localities for the development of structures of this nature. The Humboldt River entered the Lahontan basin at the head of a long, narrow arm of the old lake, which became deeply filled with *débris*, but is not now exposed in section. Farther southward in the same valley, between Mill City and Oreana, the Lahontan strata are well exposed, and will receive attention under the section devoted to sedimentary deposits. In the southern portion of the section to be seen in the banks of the Humboldt River there are inclined strata that have a striking resemblance to delta structure, but after a careful examination it was concluded that they owe their incli-

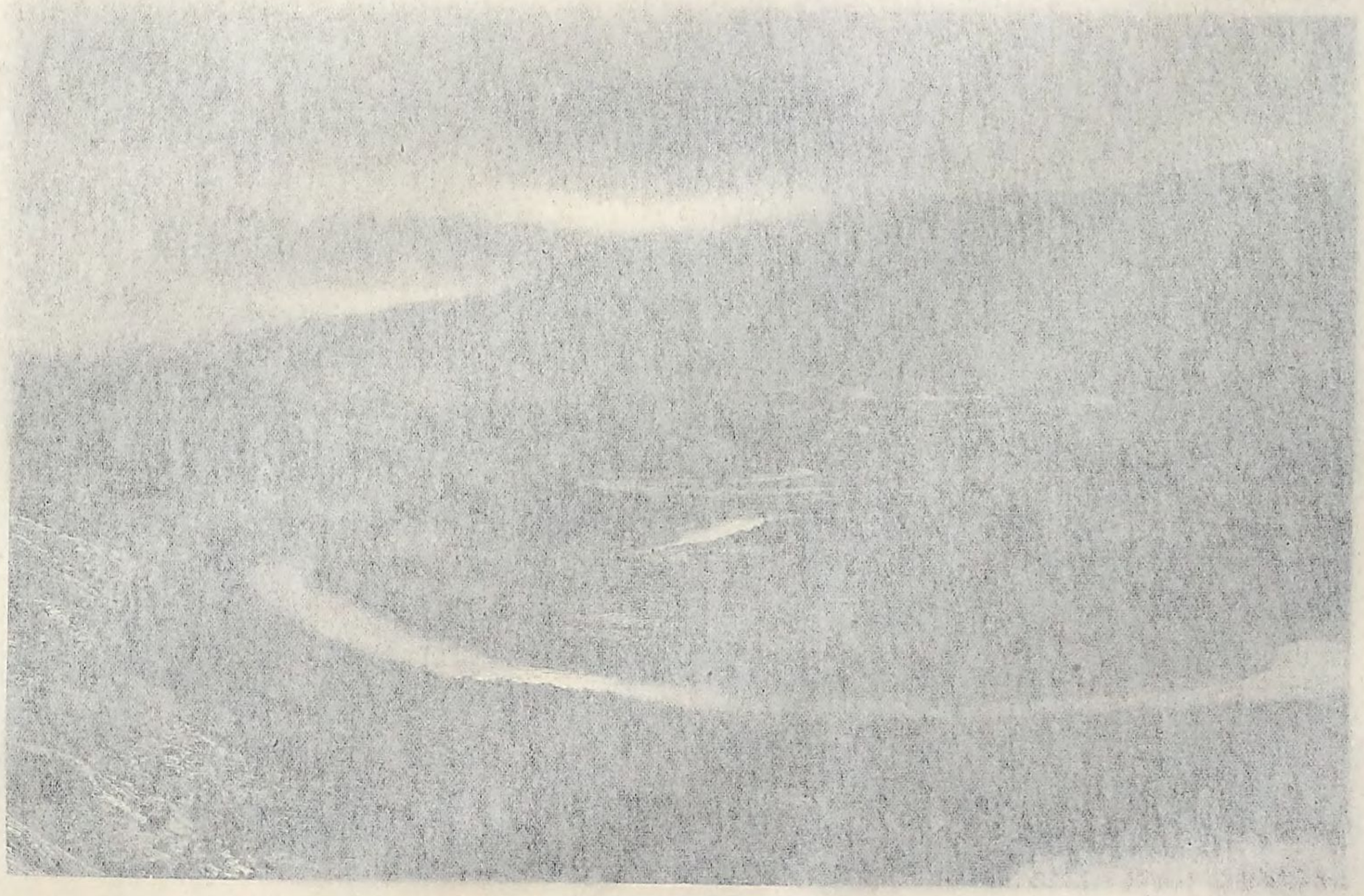
nation to their having been deposited by currents on the steep slopes of gravel embankments. That much of the material now filling the Humboldt Valley was brought down by the river, and is in reality of the nature of a delta deposit, there can be little doubt, but it has mostly been rearranged by currents and the topographic form of a delta is wanting. The same is true also of the accumulations at the points where the Truckee and Carson rivers entered the lake; about the ancient mouths of these streams there is a thickening of the river-borne *débris*, but no distinct delta forms are visible. The cañons of Buffalo and Smoke creeks were excavated to their present depth before the existence of the lake, and during the time the basin was flooded each of these channels formed a long narrow inlet which became deeply filled with sediments. When the lake's surface was lowered, the greater part of this material was removed by stream erosion; and so far as the history of their deltas is concerned, there is no more to be said than in the case of the larger rivers.

Nowhere in the Lahontan basin are deltas to be found that are comparable with those formed along the bold eastern shore of Lake Bonneville, or those deposited in the Mono Lake basin by streams that descended the eastern slope of the Sierra Nevada.

Section 3.—SEDIMENTS OF LAKE LAHONTAN.

The tributaries of lakes—disregarding organic substances—contain two classes of impurities, (a) mineral matter in suspension, and (b) mineral matter in solution.

Besides holding fine silt in suspension, streams also roll pebbles and stones along their beds. On entering a lake all this material subsides more or less quickly, forming lake-beds, gravel-deposits, etc. In the sedimentation of lakes the coarser and heavier *débris* is invariably dropped near shore, while the finer and lighter substances are floated to a greater distance before subsiding. In this manner coarse shore and fine off-shore deposits originate. The shore deposits of Lake Lahontan have already received



LANGHIAN SEDIMENTS, HUMBOLDT CAÑON,

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LAHONTAN SEDIMENTS, HUMBOLDT CAÑON, NEAR RYE PATCH, NEVADA.

some attention. In the present division the off-shore sediments, or lake-beds proper, together with certain interstratified gravels, will be described. The mineral substances contributed to the lake in solution will be studied in connection with its chemical history.

The sedimentary deposits of Lake Lahontan exhibit three definite divisions, viz.:

Upper lacustral clays.

Medial gravels.

Lower lacustral clays.

Wherever any considerable section of Lahontan sediments is exposed these three divisions appear in unvarying sequence.

The upper and lower members of the series are composed of marly clays, which show by their fineness and the evenness of their lamination that they were deposited in deep still water. The middle member, on the other hand, usually consists of well-rounded gravel and sand, in some instances becoming coarse and including bowlders a foot or more in diameter. This deposit is current-bedded, and exhibits many variations, indicating that it was deposited in shallow water.

It is apparent, therefore, that the evenly stratified beds at the base and summit of the series are the records of a deep lake of broad extent, and mark periods of comparatively abundant precipitation or of greatly decreased evaporation. It is also evident that the medial gravels were deposited when the lake was sufficiently lowered to allow stream and current-borne *débris* to be carried far out over the previously formed lake-beds, recording an interval of low water in the history of the lake. The significance of these deposits in reference to Quaternary climatic changes will appear more clearly in the sequel.

Sections of Lahontan sediments are well exposed in those portions of the cañons of the Humboldt, Truckee, Carson, and Walker rivers that are below the highest water-line of the former lake; and as the sections observed present facts of interest in tracing the Quaternary history of the region, together with many illustrations of geological structure, we shall give somewhat detailed descriptions of the principal exposures.

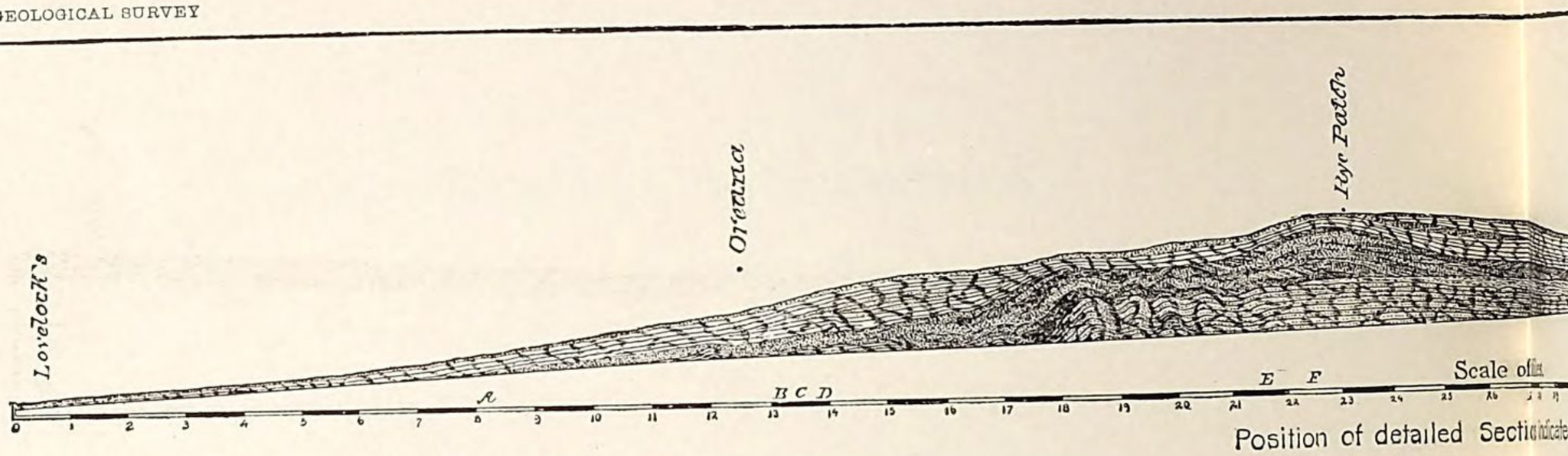
The illustrations of sections accompanying the following pages were drawn by Mr. W J McGee, to whom I am also indebted for a number of the observations here included.

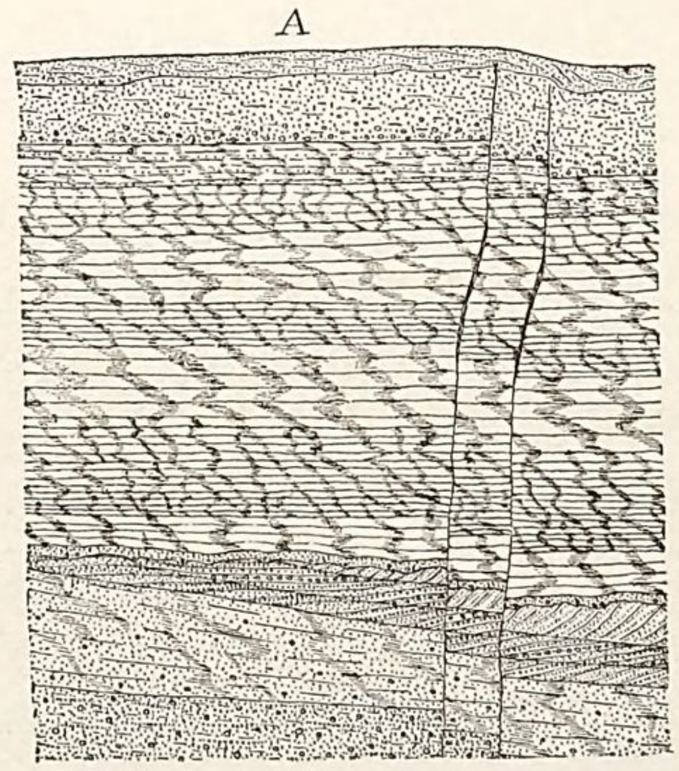
EXPOSURES IN THE CAÑON OF THE HUMBOLDT.

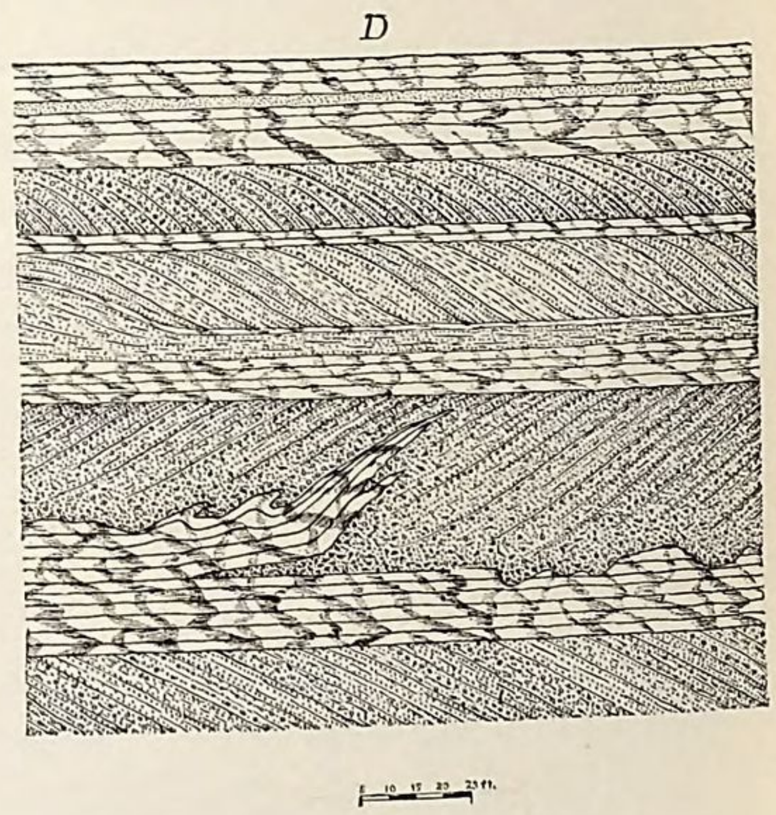
Between Golconda and Humboldt Lake the Humboldt River flows in a channel that it has excavated in Lahontan sediments since the last desiccation of the ancient lake. For a number of miles below Golconda the river is practically a surface stream, with low banks of marly clay belonging to the upper lacustral series. At Mill City its channel commences to deepen, and at Rye Patch the river flows a little more than two hundred feet below the general level of the desert. The general appearance of the gorge excavated by the river through the plain formed of lacustral sediments is shown in the accompanying illustration, Plate XXII, which is a reproduction of a photograph taken on the brink of the cañon, opposite Rye Patch. Throughout this portion of the cañon the tripartite division of the strata exposed in the steep banks is easily distinguished where not obscured by *débris* slopes. Below Rye Patch the banks decrease in altitude, and south of Oreana they are seldom more than 40 or 50 feet high, and only exhibit sections of the upper lacustral clays, with traces here and there of the medial gravels.

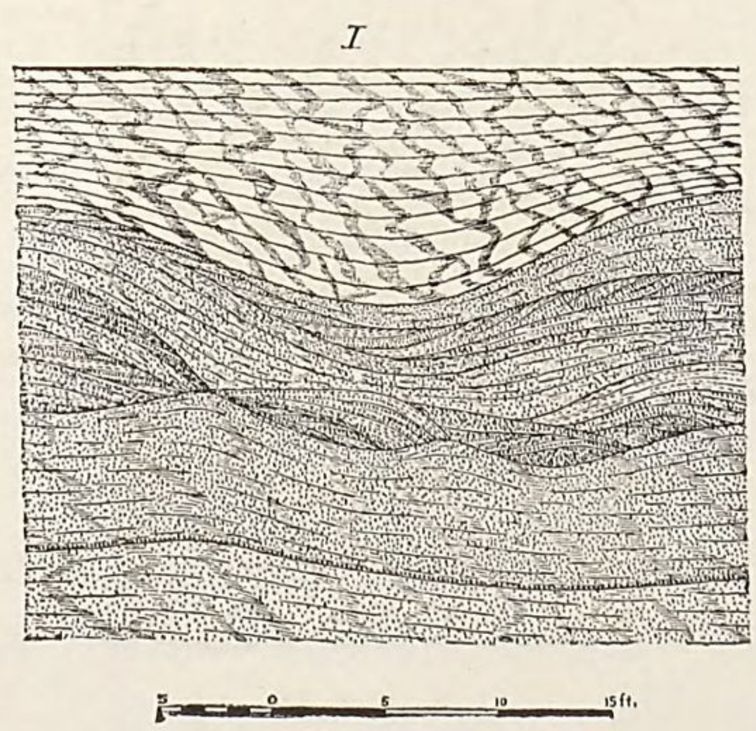
A section of the beds exposed in the sides of the Humboldt Cañon between Mill City and Lovelock Station, a distance of over 50 miles, is represented at the top of Plate XXIII. This section was compiled from about 25 detailed sections, which were first drawn at their proper place on the general diagram and then united in the manner that a somewhat extended study of the exposures seemed to dictate.[47] A few local sections, drawn with the same vertical and horizontal scale, are represented in the lower portion of the plate, and illustrate the diversity that prevails throughout the exposures. The most striking feature in the general section is the thickening of the deposits near Rye Patch, where they form an arch that once completely dammed the valley and was subsequently dissected by the river. The hypothesis framed by the writer in explanation of the phenomena ob-

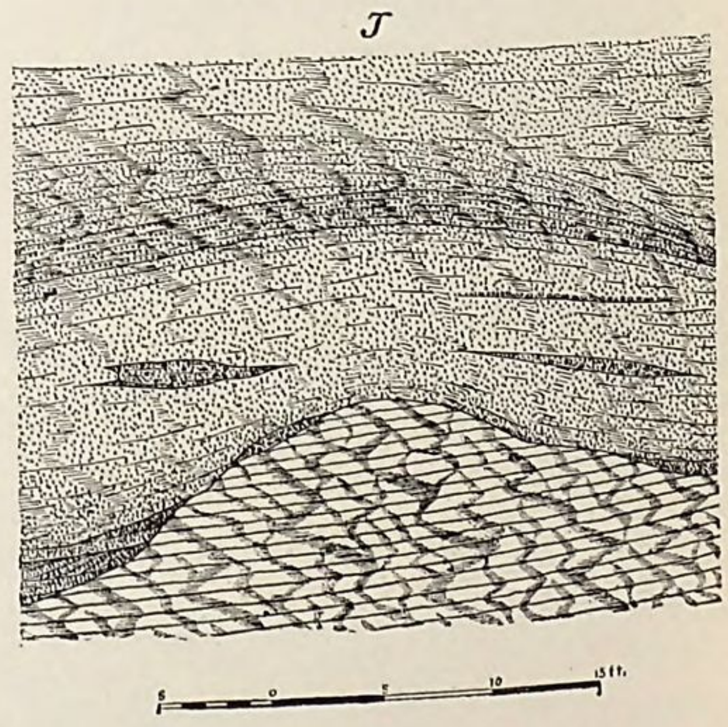
[47] This illustration is perhaps open to the criticism that too much prominence has been given to the apparent plication of the strata.





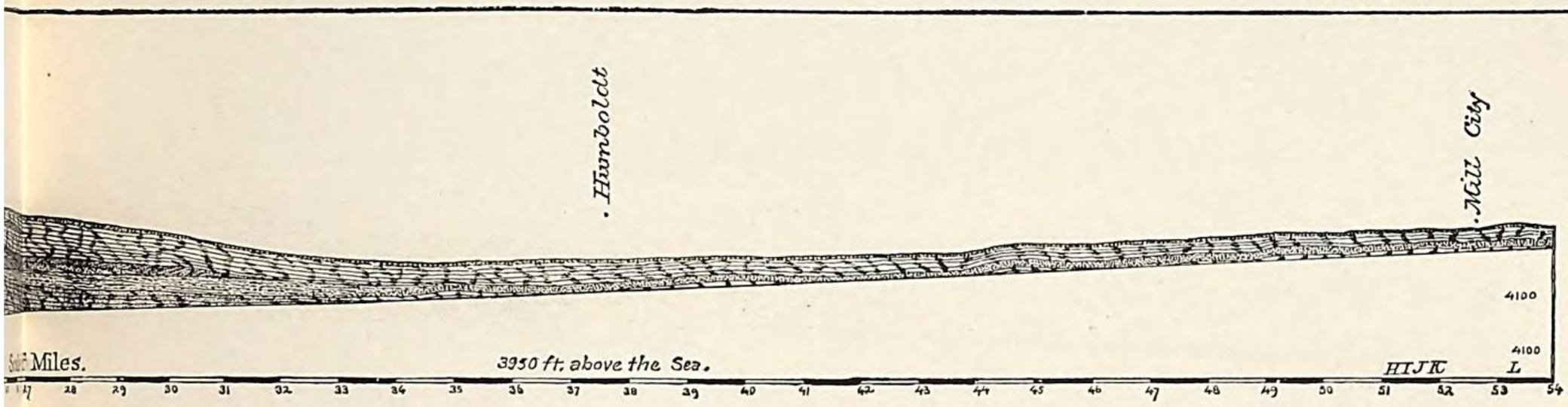






W J McGee, Del.

SECTIONS OF LAHONTAN SEDIMEN



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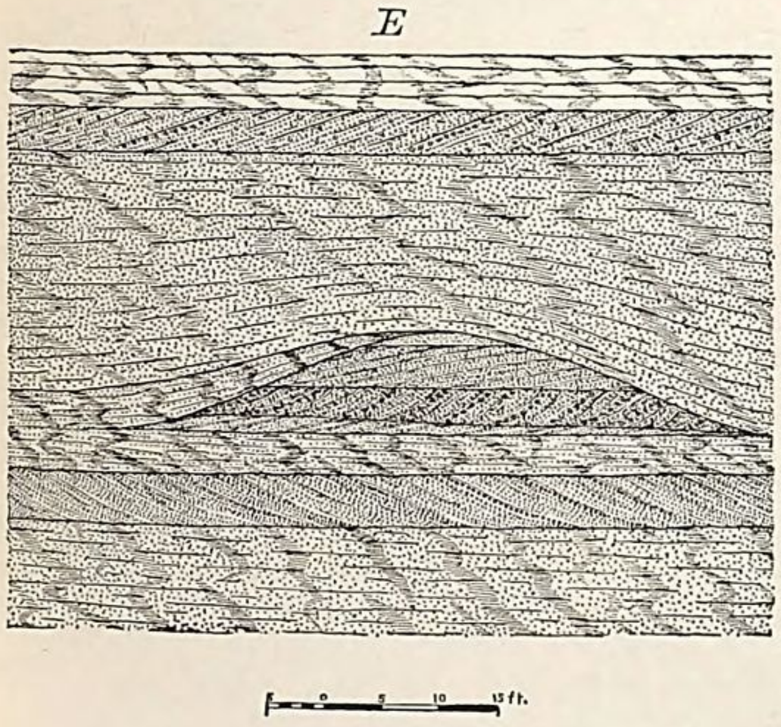
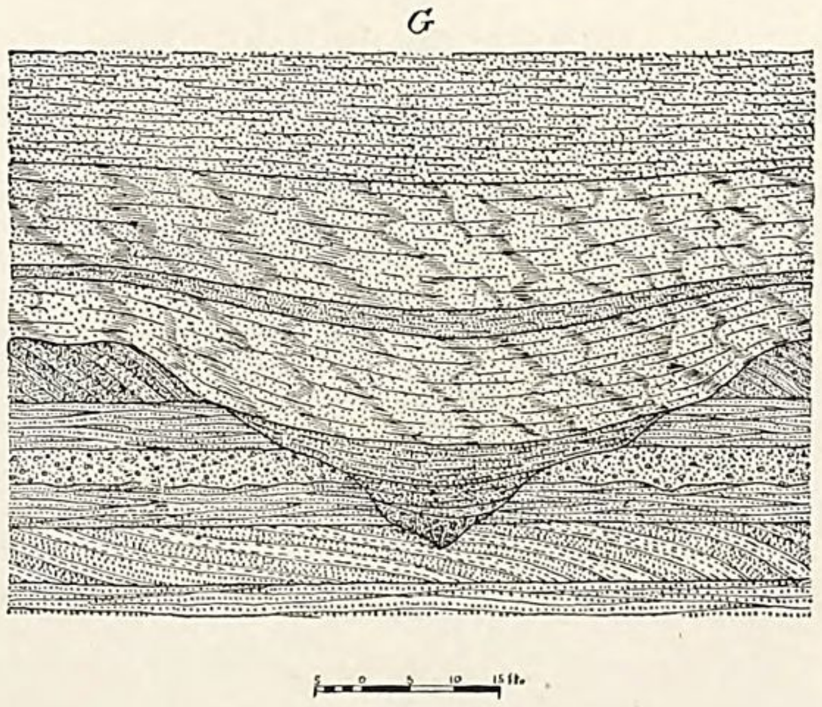
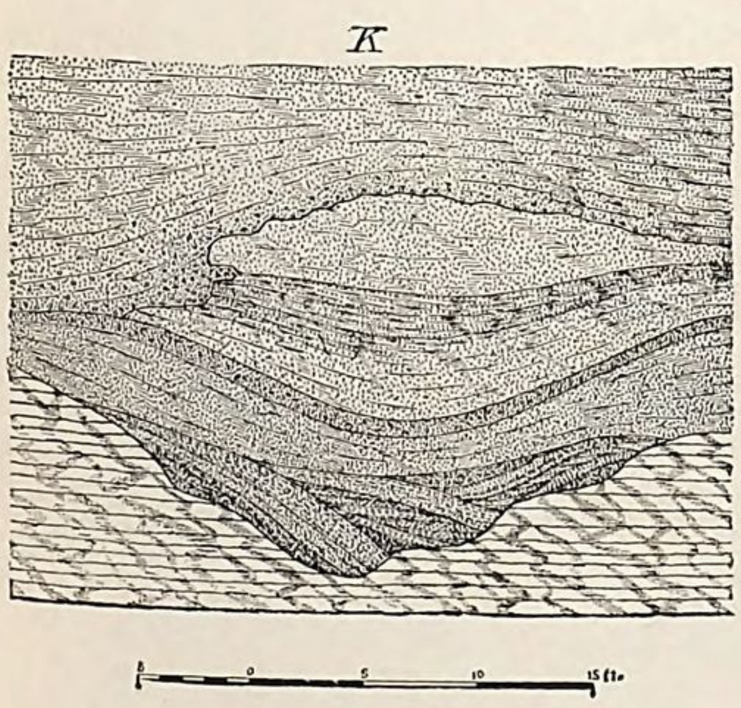
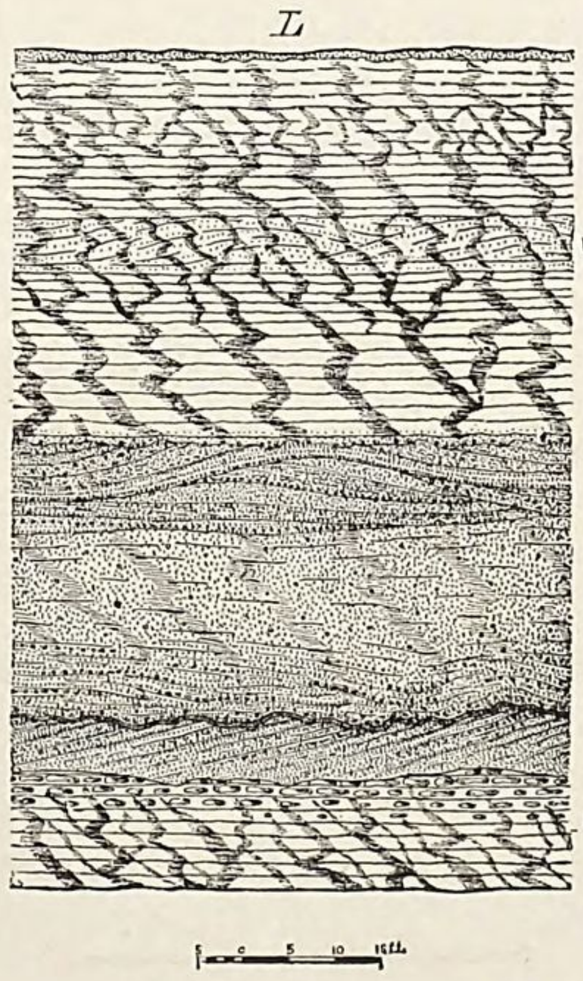








Loam

Sand & Gravel

I. C. Russell, Geologist.

TS IN HUMBOLDT CAÑON, NEVADA.

served is that the beds were deposited by currents in the position they still retain during the time that the Humboldt Valley was occupied by the waters of Lake Lahontan. In other words, the inclined strata seen in the cañon walls are sections of current-formed embankments that have been buried beneath the upper lacustral marls. They are arches of deposition, and not plications due to orographic disturbance.

The formation of gravel embankments across narrow straits in such a manner as to completely close them has already been referred to in describing a structure of this nature at the lower end of Humboldt Lake (*ante*, page 108). The study of current-formed gravel deposits in a large number of the desiccated lake-basins of the Far West strongly favors the conclusion that the inclination of the strata exposed in the walls of the Humboldt Cañon is due entirely to their mode of accumulation. Could the gravel embankments familiar to us in many narrow valleys become buried beneath lake sediments and then exposed in cross-section by erosion, they would furnish examples of strata increasing in thickness at the same time that they became inclined and arched, which would in many ways be the counterpart of the phenomena illustrated by the section on Plate XXIII.

The hypothesis that the dip in the sections we are considering was due to plication, in the manner common to many older rocks, suggested itself early in the investigation, but did not find support in the facts observed.

The contacts of the lower and upper clays with the medial or gravel member of the series are nearly always unconformable. In many instances the surface of the lower marls was eroded into hollows and channels previous to the deposition of the gravels, and these are now filled with current-bedded *débris* in the manner illustrated by section K, Plate XXIII. Similar unconformities by erosion are also to be observed at many points where the contact of the medial gravels with the upper marls is exposed, as shown at I, on the same plate. Other illustrations of unconformity in the contact of the medial gravels with the evenly stratified beds above and below them are shown in the remaining detailed sections of Plate XXIII.

A comparison of the upper and lower clays indicates that they are very similar in their nature and were probably accumulated under nearly

identical conditions; they are both evenly laminated, fine-grained, drab-colored clays, that are usually marly and saline, and frequently exhibit a well-marked jointed structure. An analysis of a typical example of each, as reported by Dr. T. M. Chatard, shows that they do not differ more widely in composition than might be expected in two samples taken at different points in the same stratum.

Constituents.	Upper clays.	Lower clays.
Loss by ignition (water)	9.78	13.03
Silica (SiO_2)	56.30	50.70
Alumina and ferrous oxide (Al_2O_3, and Fe_2O_3)	21.60	19.01
Lime (CaO)	5.45	10.26
Magnesia (MgO)	2.64	3.19
Potassa (K_2O)	2.17	2.16
Soda (Na_2O)	2.60	1.91
Total	100.54	100.26

The upper clays differ from the lower, however, in the fact that at some localities they include interstratified beds of homogeneous, white, pumiceous dust, forming even layers from a fraction of an inch to several feet in thickness; and also a deposit of tufa in peculiar mushroom-shaped forms. The layer of fine marly clays on which the tufa stratum rests frequently teems with *Cypris* cases, and sometimes contains the shells of *Pompholyx effusa* in immense numbers; above the tufa the shells of *Anodonta nuttalliana* are frequently abundant. In the lower clays the relics of molluscan life are comparatively rare; and, so far as has been observed, they contain no deposits of volcanic dust; this, however, may be considered as an accidental circumstance dependent on the periods of eruption of distant volcanoes. The layer of tufa in the upper clays is a widely spread deposit indicating chemical conditions that so far as is known—the entire thickness of the lower clays not being exposed—did not occur previous to the formation of the medial gravels; although lenticular masses and thin sheets of tufa of a somewhat similar nature are not uncommon in the lower portion of the Lahontan section.

The medial gravels are in many places plainly divisible into two portions; the lower, composed of clean, well-worn, current-bedded sand and gravel, has all the structural characteristics of stream-bed and shore

formations; the upper is of a homogeneous, earthy character and has a striking resemblance to recent flood-plain deposits. The remarkable similarity of the middle member of the Lahontan section, as exposed in certain localities, to the bipartite—stream-bed and flood-plain—deposit formed by meandering streams, leads us to refer its origin with considerable confidence to similar causes. In some instances the earthy or flood-plain portion of the medial gravels is overlaid by current-bedded *débris*, which may reasonably be considered as the sheet of shore material spread out by the waves and currents during the rise of the lake that followed the formation of the middle member of the series.

The accuracy with which the accompanying detailed sections have been drawn, leaves little room for description; but in order to present still more definitely the facts on which they were based, descriptions of a few of the more instructive exposures are inserted. The lettering of the following sections indicates their position on Plate XXIII:[48]

SECTION A.—*West bank of Humboldt River, 2 miles south of Oreana.*

	Feet.	
1. Æolian sand and dust, forming surface of the desert	1	
2. Sand and gravel, massive	3	Uppe lacustral clays
3. Loam, sandy, laminated	2	
4. Marly clay, laminated and jointed	18	
5. Sand and gravel, cross-stratified	1	Medial gravels.
6. Loam and sand, obscurely cross-stratified	5	
7. Sandy loam, massive; to river	3	
	33	

A double fault-line extends through the series, as shown on Plate XXIII. A similar double fault occurs 300 feet northward of the first, in the same vertical cliff (see Fig. 26, page 165), but the throw is in the opposite direction, showing that the whole included block, 300 feet long, has been bodily depressed 2 or 3 feet. The marly clays forming the upper portion of the section are, as usual, markedly unconformable to the gravels underlying them.

[48] In making the drawings of detailed sections represented on Plate XXIII, the entire vertical range of the exposures observed was not represented.

SECTION B.—*West bank of Humboldt River, ½ mile above Oreana.*

	Feet.
1. Marly clay, light colored, sandy	30
2. Marly clay, yellowish, fine-grained, laminated	4
3. Marly clay, light colored, sandy, like No. 1	4
4. Gravel, cross-bed, ferruginous	1
5. Marly clay, drab-colored	1
6. Gravel, cross-bedded, ferruginous	1
7. Marly clay, finely laminated, jointed	5
8. Marly clay, more sandy than No. 7, thick-bedded; to river	15
	61

The exposures in this portion of the cañon walls vary greatly as one follows them up or down stream. The middle member especially changes in both the character of the strata and their inclination.

SECTION C.—*West bank of Humboldt River, 2½ miles above Oreana.*

	Feet.	
1. Sand and gravel	12	
2. Marly clays, white, laminated	12	Upper lacustral clays.
3. Marly clays, brownish, loams	10	
4. Marly clays, white	25	
5. Gravel and sand, cross-stratified	25	Medial gravels.
6. Marly clays and loam; to river	10	Lower lacustral clays
	94	

SECTION F.—*West bank of Humboldt River, at Rye Patch.*

	Feet.	
1. Æolian sand and alluvial gravel, variable	1 to 6	
2. Loam, sandy, light-colored, fine	12	Upper lacustral clays.
3. "Tufa mushrooms" (dendritic tufa)	0.9	
4. Ostracoid and gasteropod shells	0.2	
5. Sand, loamy, buff-colored, with small concretions of gypsum	16	
6. Gravel, rounded, cross-stratified	18.5	Medial gravels.
7. Marl, buff-colored	6	
8. Gravel, cross-stratified	9	
9. Loam, with some cross-bedded gravel	7	
10. Gravel, cross-stratified	3	
11. Sand, cemented by carbonate of lime	0.4	
12. Loam, fine, cross-stratified	2	
13. Sand, white, marly (much thicker in east wall of cañon)	4	
14. Loam, with irregular strata of gravel	40	
15. Gravel, cemented	1	
16. Loam and fine gravel; to river	75	Lower lacustral clays.
	196 to 201	

The separation of the three members is more difficult to trace in this locality than is usual; the above divisions are somewhat arbitrary.

SECTION H.—*North bank of Humboldt River, 6 miles below Mill City.*

	Feet.	
1. Æolian sands, with some gravel, irregular in thickness		
2. Marly clay, white, regularly laminated, jointed	15	Upper lacustral clays.
3. Loam, sand, and gravel, massive medially, cross-stratified above and below	12	Medial gravels.
4. Marls, regularly laminated, light drab; to river	10	Lower lacustral clays.
	37	

The medial gravels are markedly unconformable by erosion to both the upper and lower lacustral beds.

SECTION L.—*South bank of Humboldt River, Mill City.*

	Feet.	
1. Weathered marl, æolian sand at summit	2.5	
2. Marly clays, obscurely stratified, gray	3.0	Upper lacustral clays.
3. Marly clays, white, laminated	3.0	
4. Marly clays, sandy, brownish, obscurely cross-stratified	2.5	
5. Marly clay, white, laminated, jointed	9.0	
6. Sand and gravel, somewhat ferruginous, fossiliferous	0.5	Medial gravels.
7. Sand, gravel, and pebbles, cross-stratified	5.0	
8. Sand and loam, massive, with pebbles	5.0	
9. Sand and loam, obscurely and irregularly stratified	4.0	
10. Sand and gravel, with ferruginous current	0.3	
11. Sand, cross-stratified, fine	3.0	
12. Marly clays, regularly laminated, ash colored, jointed, with some tufa at summit; to river	3.0	Lower lacustral clays.
	40.8	

The tufa in the lower lake-beds occurs in uniform lenticular nodules, in places forming a continuous layer an inch or two thick. Dendritic tufa, in the form of mushrooms, occurs in the upper lake-beds above No. 5, near where this section was taken.

EXPOSURES IN THE CAÑON OF THE TRUCKEE.

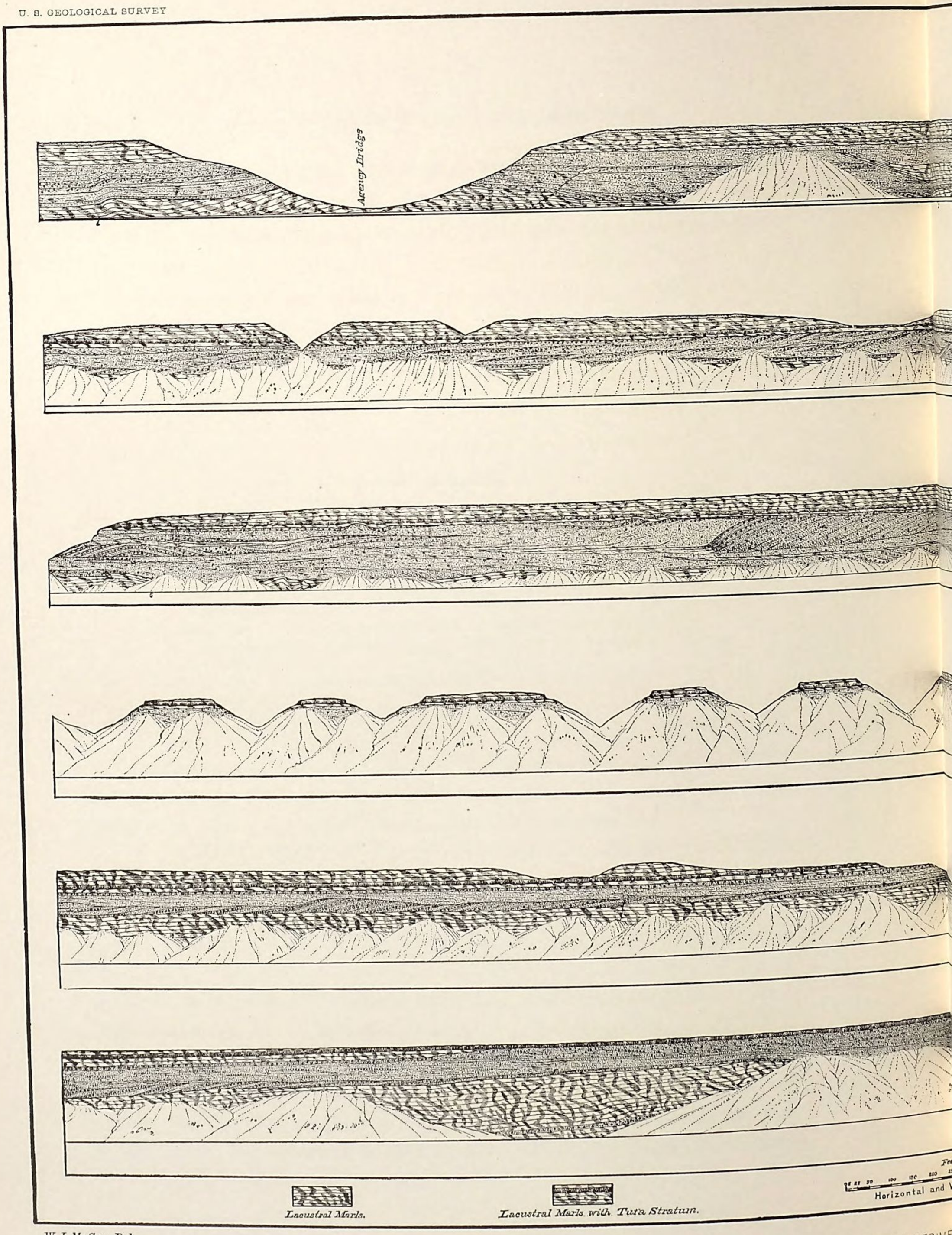
The sedimentary deposits accumulated in Lake Lahontan are also well exposed in its precipitous banks of the Truckee River from the point where it enters the basin of the former lake, about 15 miles westward of Wadsworth, to its termini in Pyramid and Winnemucca lakes. Above Wadsworth the exposures are entirely of upper lacustral clays, which occur in fragmentary masses on the sides of the cañon in places where they have

been sheltered from erosion. The western bank of the Truckee just below Wadsworth, and 2 or 3 miles from the gorge through which the river enters the valley, is about a hundred feet high and exposes the following diversified sections:

	Feet.
1. Æolian sands	5 to 18
2. Sandy clay, fine, evenly stratified	12
3. Clay, drab-colored, fine-grained, homogeneous	6
4. Clay, evenly stratified, ferruginous	1.5
5. Sand, argillaceous, in contorted strata	3
6. Sand, fine, clean, sharp	2.5
7. Clay, sandy, ferruginous, jointed	2
8. Sand, coarse and pebbly	5
9. Clay, argillaceous	2
10. Sand, ferruginous	10
11. Clay, drab-colored, with seams of fine sand	2
12. Sand and gravel, micaceous	10
13. Gravel, well rounded, with seams of sand and occasional boulders sometimes 2 feet in diameter	6
14. Sand, evenly stratified, micaceous, ripple-marked	2
15. Sand, sharp, clean, micaceous	12
16. Sand, evenly stratified, micaceous, ripple-marked and current-bedded; passing into—	3
17. Clay, fine, evenly stratified, drab-colored, sometimes sandy; jointed by two systems of fractures nearly at right angles, and resting unconformably upon—	6
18. Gravel, well rounded, current-bedded, and containing boulders 2 feet in diameter; to river	20
	110 to 123

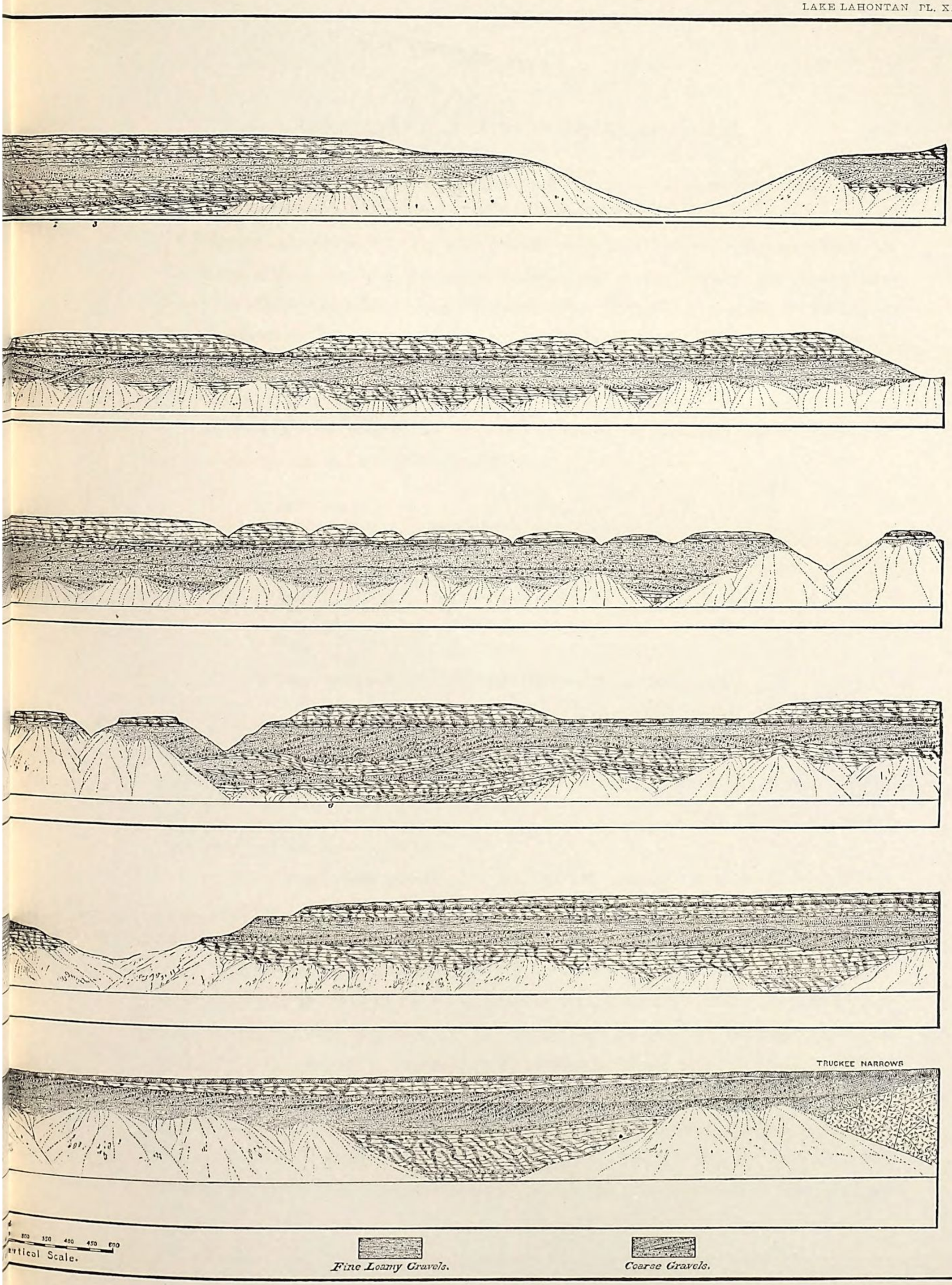
The numerous changes recorded by this section are no doubt to be accounted for by the proximity of the former mouth of the river, from which the greater part of the *débris* forming the beds was derived.

A noticeable feature of the section is the fine exhibition of double jointing to be seen in bed No. 17. This stratum is of compact and nearly homogeneous, sandy clay, resting on a thick deposit of unconsolidated gravel and bowlders, and overlain by similar material. As the inclosing beds are too loose and incoherent to exhibit jointed structure it seems evident that the forces producing the joints must have originated in the clays themselves; for it is difficult to understand how external agencies, as an earthquake shock for example, could have been transmitted through the loose gravel deposits inclosing the clays. The jointed stratum to which we have called attention apparently represents the lower lacustral clays, but as the section is rendered abnormal by its proximity to the ancient mouth



W J McGee, Del.

SECTIONS OF LAHONTAN SEDIME



I. C. Russell, Geologist.

NTS IN TRUCKEE CAÑON, NEVADA.

of the Truckee River, the three divisions of Lahontan sediments so easily recognized in many localities are here indefinite.

Continuing towards Pyramid Lake with our study of the exposures in the river banks, we find the section changing in its details and losing the complex character observed at Wadsworth. Beginning a mile or two below the position of the section given in detail above, and continuing for four or five miles down the river, the exposures are almost entirely of upper lacustral clays, including a few irregular strata of current-borne material. This is indicated by the following section observed on the west side of the river about four miles below Wadsworth:

	Feet.
1. Æolian sand	1 to 2
2. Dendritic tufa in mushroom-forms	1 to 1.5
3. Clay, fine, sandy, ferruginous	4
4. Clay, compact, drab-colored	12
5. Sand, fine, ripple-marked	1
6. Clay, fine, evenly stratified	2
7. Sand and gravel, current-bedded	1
8. Clay, drab-colored	8
9. Sand, ripple-marked	1
10. Clay, evenly stratified, with some sandy layers; to river	100

Near the locality where this section was observed, but on the opposite side of the stream, the lower fifty feet of the cañon wall are composed of coarse gravel which evidently represents the middle member of the Lahontan series; half a mile down stream, however, the entire section is again composed of lacustral clays.

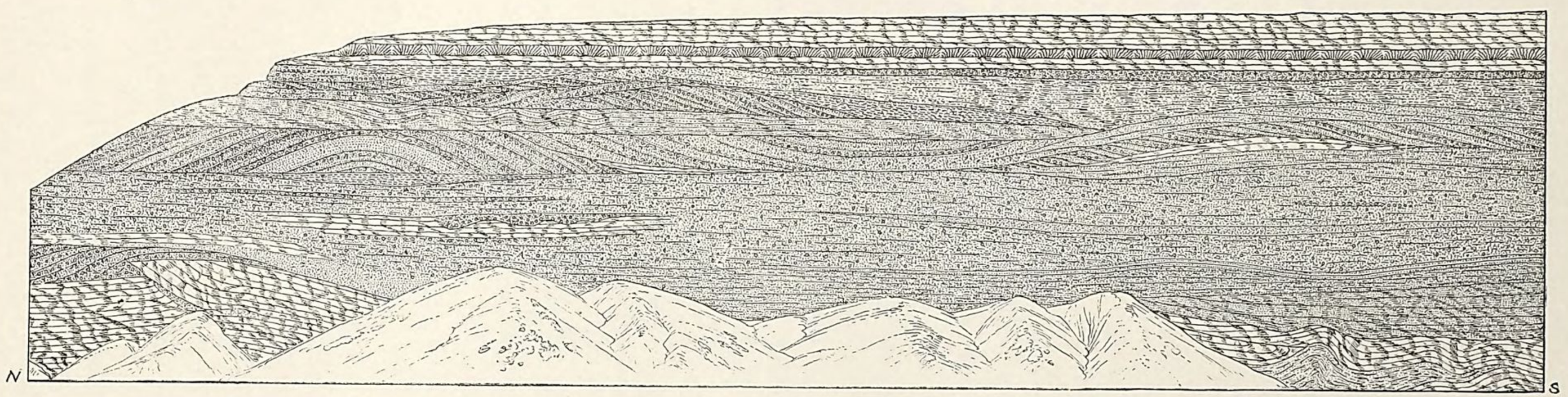
Other abrupt changes of this nature are common and seem to indicate that the medial gravels occupy an old eroded channel in the lower clays, which is crossed irregularly by the present stream channel.

Continuing down stream, one finds good exposures of the upper clays resting on coarse current-bedded gravels which are without question a portion of the middle member of the series. The medial gravels are here probably represented in part by a heavy deposit of reddish-brown *débris*, somewhat coarser than the normal lacustral clays and having a close resemblance to the upper or flood-plain portion of the medial gravels observed in the Humboldt section. On the east side of the river this deposit becomes thinner as we follow it westward, and at length disappears in a thin wedge,

at the same time increasing in thickness in the west bank of the cañon, until it finally composes the entire section of more than a hundred feet.

Just before the Truckee Cañon opens out into the valley occupied by Pyramid and Winnemucca lakes, it becomes quite narrow, and is bounded on either side by rocky walls; for convenience of reference we have called this the "Truckee Narrows." From this point to the Agency Bridge, a distance of about four and a half miles, the walls of the cañon exhibit a continuous section in which the tripartite character of the Lahontan sediments is strikingly displayed. The exposures actually observed on the east side of the stream have been sketched by Mr. McGee and form Plate XXIV. The most instructive feature illustrated by this section, as is the case of the exposures along the Humboldt, is the fact that it consists of two series of fine homogeneous strata, separated by a heavy deposit of heterogeneous, current-bedded gravels. A generalized section of the beds here exposed agrees in a remarkable way with the similar sections observed in the Humboldt Cañon. The upper and lower lacustral clays occurring in the Truckee section, like those exposed in the banks of the Humboldt, show but little variation. They are composed of fine, evenly laminated, drab-colored, marly clays, that are somewhat saline and alkaline as indicated by chemical tests. On the west side of the river near the Agency Bridge, however, the upper clays show some variation, especially near their contact with the underlying gravels, as is exhibited with considerable detail in the section forming Plate XXV.

One of the most instructive portions of the Truckee section is a stratum of dendritic tufa interbedded with the upper clays. At the northern end of the section, *i. e.*, towards the deeper portion of the lake in which the sediments of tufa were deposited, the tufa-stratum is but 3 inches thick and is buried beneath 25 or 30 feet of laminated clay; when followed shoreward, or up stream in reference to the present drainage, the tufa gradually increases in thickness, at the same time approaching nearer the surface of the section, until at the Narrows of the Truckee it forms a sheet of huge mushroom-shaped masses at the top of the bank, which are from 10 to 15 feet in diameter and so thickly planted that they form a continuous pavement fully 10 feet thick. The rocks at the Narrows above the level of the lacustrine deposits are



Lacustral Marl. *Marl with Tufa.* *Gravel.* *Sandy Loam.* *Ferruginous Loam.* *Obscurely stratified Sand and Gravel.*

Horizontal and Vertical Scale.
Feet.
0 5 10 25 50 100 200

W J McGee, Del.

I. C. Russell, Geologist.

SECTION OF LAHONTAN SEDIMENTS NEAR AGENCY BRIDGE, TRUCKEE CAÑON, NEAVDA.

coated with a continuation of the same tufa sheet, the upper limit of which is about 200 feet below the highest of the ancient water-lines engraved on the sides of the valley. The tufa interstratified with the upper clays almost invariably starts from small nuclei, and, forming dendritic branches, spreads out above into dome or mushroom-shaped growths; in some instances the tufa is prolonged downward below the general level of the stratum to which it belongs, and forms irregular vase-shaped masses below the continuous tufa layer. Immediately below the tufa, and sometimes adhering to it, are great quantities of *Cypris* and gasteropod shells, and occasionally bones of fishes, indicating that the waters from which the calcium carbonate forming the tufa was precipitated were far from being concentrated saline solutions.

Throughout the section, the contact of the medial gravels with both the underlying and the overlying clays is unconformable, owing, in each case, to the erosion of the lower member, as is well shown in Figs. A, C, and D, Plate XXVI, which are accurate sketches of observed exposures, and illustrate the filling of channels, formed principally by erosion, with current-bedded gravel.

The lacustral clays forming the lower portion of the section are, in places, exposed to the depth of 100 feet, but what their total thickness may be it is not possible to determine from the present exposures. When examined at some distance from the shore of the basin, they exhibit little variation, and are normally finely laminated, marly clays An exception is found, however, a short distance above the Agency Bridge, on the east side of the river, where a rounded boulder of hard volcanic rock from $2\frac{1}{2}$ to 3 feet in diameter occurs several feet below the top of the lower clays. This is a much larger block than any seen in the medial gravels, and evidently must have been floated to its present position, probably through the agency of ice. Although rounded and worn it did not exhibit striations or planed surfaces, and gave no proof that it had ever been subject to glacial action.

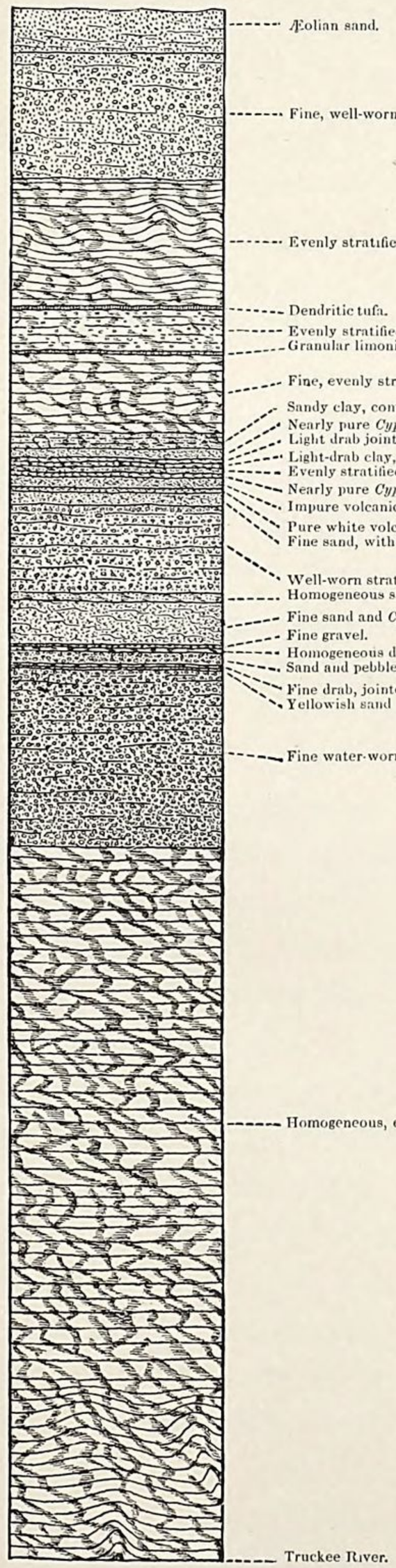
In places, the lower clays exhibit contortions which in some instances can only be accounted for by a movement of the beds since their deposition, caused apparently to the weight of the superimposed masses of gravel and clay. In other exposures the contortions and convolutions of the laminated

deposits are apparently due to their having been formed in agitated waters; just how the intricate folds and contortions were produced, however, it is extremely difficult to explain.

In a few localities the lacustral clays, especially below the medial gravels, are faulted; and at times the strata on one side of a fault have been thrust over the beds forming the opposite wall, as indicated at the left on Plate XXV. In this instance the projecting strata seem to have been removed by erosion previous to the deposition of the superimposed clays.

The medial gravels in the Truckee section vary from 25 to 100 feet in thickness, and exhibit great diversity both in composition and structure, thus indicating many variations in their mode of formation. Examples of cross-bedding are abundant, and the presence of arched strata and lines of unconformability, as well as the irregularity of the beds and the manner in which they wedge-out and are replaced by others of a somewhat different nature, all tend to show that the entire middle member of the Lahontan series here exposed was deposited in shallow, current-swept waters. The arches seen in the cañon walls are, apparently, cross-sections of current-built embankments, while the irregular layers of fine sediment are proof, on the other hand, of more quiet condition during which the fine silt held in suspension was allowed to subside. The general conclusion that the medial gravels were formed during a time of low water, separating two periods when the lake was broad and deep, cannot be questioned by any one who has examined the records exposed in the Truckee section, which, as previously stated, are in harmony with the similar evidence furnished elsewhere in the basin of the ancient lake.

On following the Truckee River from the Agency Bridge to its mouth, one finds its banks becoming low, and exposing, for the most part, only portions of the upper clays; in a few localities, however, limited sections of the medial gravels may be seen, thus showing that the valley could not have held a lake much, if any, larger than that of the present day during the time that the medial member of the Lahontan series was being deposited.



SECTION OF LAHONTAN SEDIMENTS, AGENCY BRIDGE, TRUCKEE RIVER, NEVADA.

EXPOSURES IN THE CAÑON OF THE CARSON RIVER.

During the highest stages of Lake Lahontan its waters extended up the Carson River Valley as far as Dayton, and occupied it long enough to allow large quantities of lacustral beds to accumulate. When the lake evaporated and the river regained its ancient channel, these beds were deeply dissected by erosion. The remnants of Lahontan sediments to be seen in the valley belong mostly to the upper lacustral clays, but in places they were observed to rest on gravel deposits. The sections obtained, however, were imperfect and far less satisfactory and instructive than those described in the preceding pages. The lacustral beds exposed along the banks of the Carson, and flooring Churchill Valley, are fine, light-colored marly-clays, similar in all respects to the corresponding beds observed at many localities throughout the Lahontan basin. Interstratified with these sediments is a deposit of dendritic tufa, sometimes 3 or 4 feet in thickness, which is well exposed in the narrow channel connecting Churchill Valley with the Carson Desert. This deposit corresponds both in structure and position to the interstratified tufa-layer observed in the Humboldt and Truckee cañons.

So far as known, the lacustral beds observed along the Carson River are undisturbed by post-Lahontan movement, and have nowhere been dissected sufficiently deep to lay open the sediments accumulated during the first rise of the lake.

The Carson River rises on the eastern slope of the Sierra Nevada and flows northward through Carson and Eagle valleys, which are in reality a single basin, and enters a deep and all but impassable cañon, through which it flows with a rapid descent as far as Dayton. It then enters a valley 2 or 3 miles broad—once an arm of Lake Lahontan—which contracts again to a narrow cañon at its southern end. In the course of a few miles this cañon again expands and forms Churchill Valley, which in its turn connects with the Carson Desert through a narrow channel now occupied by the Carson River. The contractions in the lower portion of the river channel are probably due in a great measure to erosion, but are less plainly stream-carved channels than the deep gorge above Dayton. Since Lake Lahontan during its highest stages occupied the valley as far as Dayton, we are safe in con-

cluding that the river channel was carved in pre-Lahontan times, and also that the lake which occupied Eagle-Carson Valley must have overflowed and cut down its channel of discharge so as to drain that basin to the bottom previous to the existence of Lake Lahontan. We make this departure from our immediate subject for the purpose of showing that the sediments of the Eagle-Carson Lake, in which a variety of foot-prints have recently been discovered at the Nevada State Prison, are older than Lake Lahontan, and probably belong to early Quaternary or late Tertiary times.

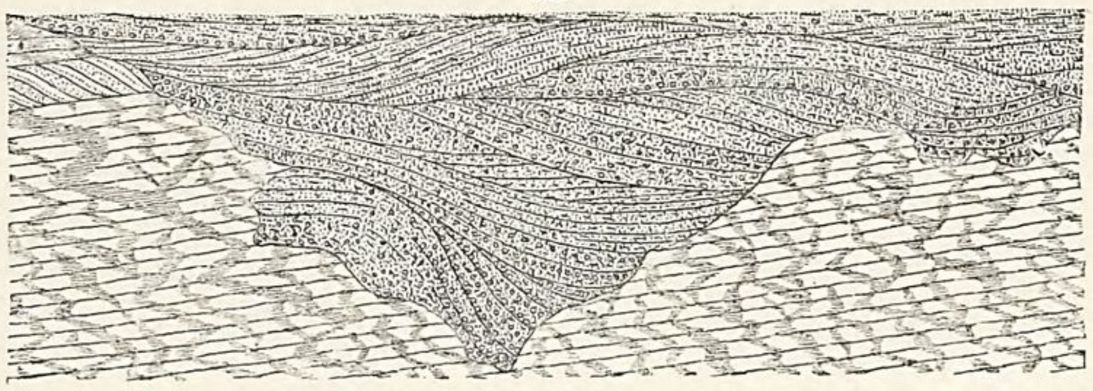
EXPOSURES IN THE CAÑON OF WALKER RIVER.

The Walker River, in its course between Mason Valley and Walker Lake, flows through a comparatively narrow valley, which was deeply filled with Quaternary lake sediments and is now a desert, sage-brush-covered plain, dissected through the center by a cañon eroded by the present stream since the evaporation of the former lake. Like the Humboldt, the Truckee, and the Carson, the Walker River has exposed sections of Lahontan sediments, in which the tripartite division is well displayed. As in the former instance, the upper and lower members are fine, evenly laminated, marly-clays, which were evidently accumulated in quiet waters, and are separated by a heterogeneous accumulation of sand and gravel that records an interval of low water.

The tendency of current-borne *débris* to accumulate in narrow straits connecting broad water-bodies has already been discussed in connection with the descriptions of the gravel deposits observed in the Humboldt and Truckee cañons. A gravel embankment similar to those already described occurs a few miles northward of Walker Lake and forms the divide between Walker Lake and Walker River valleys. In this instance a large embankment was built completely across the mouth of the narrow strait that formerly connected the open waters of Walker Lake and Mason valleys; subsequently this structure was cut through by waters flowing from the northward, thus revealing a section of the inclined and arched strata in which the gravels were deposited.

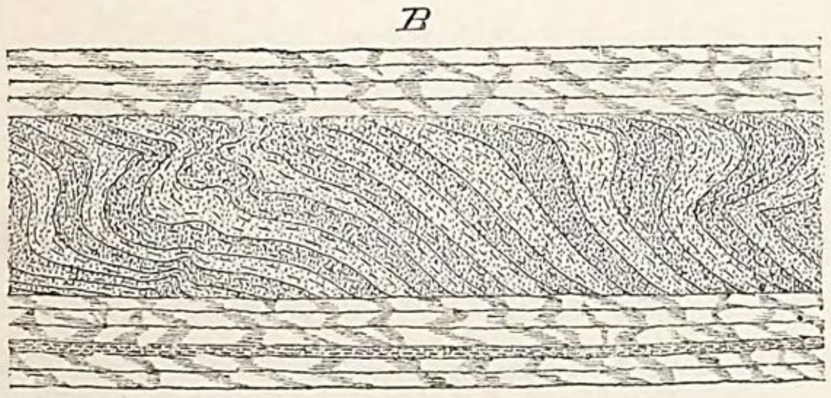
A generalized section compiled by Mr. W J McGee, from many detailed observations, is reproduced in Fig. C, Plate XXVIII, which represents the

A



Feet
0 2 4 5

B

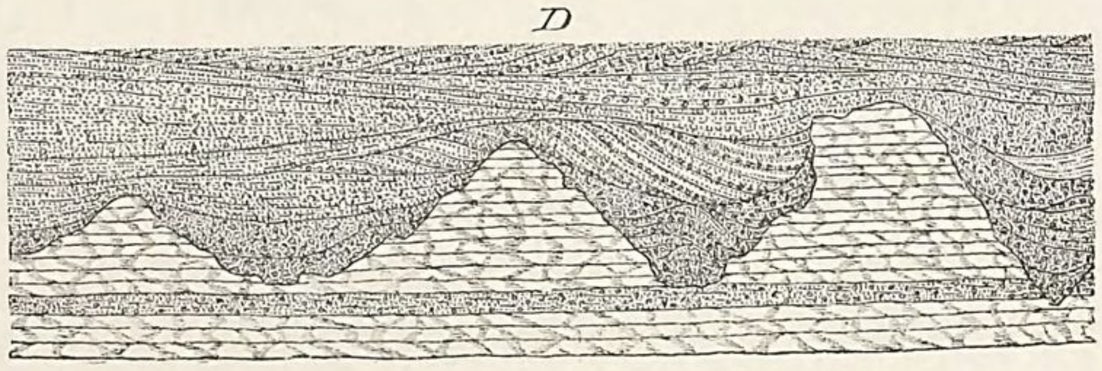


Feet
0 2 3 4 5

C

Feet
0 1 2 3 4 5

D



Feet
0 1 2 3 4 5

Lacustral Marl. *Sand* *Gravel.*

W J McGee, Del. *I. C. Russell, Geologist.*

DETAILED SECTION OF LAHONTAN SEDIMENTS, TRUCKEE CAÑON, NEVADA.

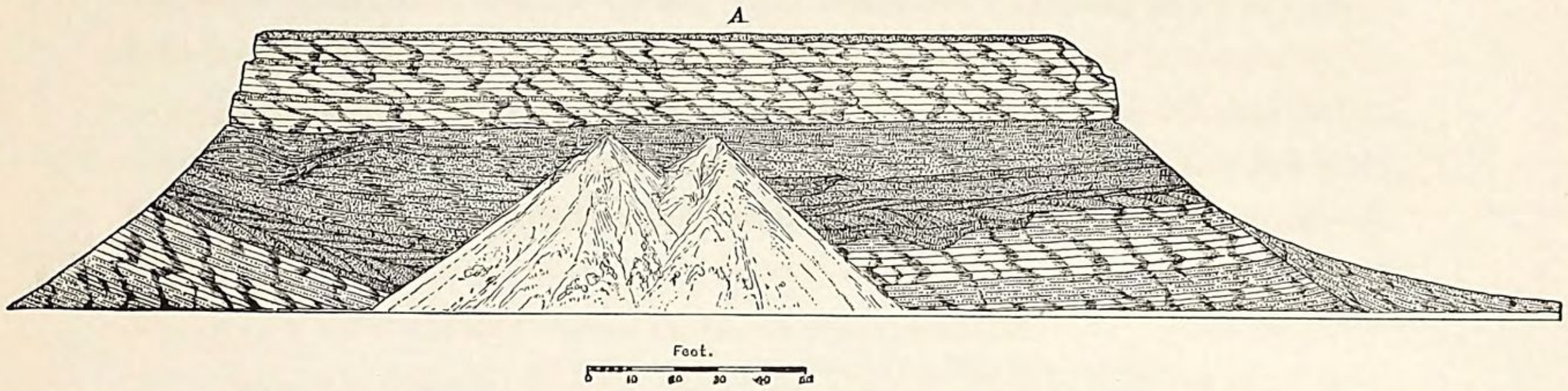
structure of the Lahontan sediments exposed in the cañon walls for a distance of 18 miles. The highest point in the section is at the crest of the embankment, which crosses the valley and marks approximately the level of the highest water stage of the former lake. Between the embankment mentioned above and Walker Lake, a distance of 8 miles, the river banks vary from zero at the lake to 50 or 60 feet in the neighborhood of the embankment. In this interval the exposures are almost entirely of upper lacustral clays, with intercalated beds of volcanic dust, but at a few localities, in the northern portion of the section, the medial gravels and underlying clays may be seen at the base of the escarpment bordering the river. Where the stream-channel crosses the embankment, the entire exposure, 200 feet high, is composed of inclined and arched strata of sand and gravel inclosing irregular and loamy beds. The entire series has a characteristic pinkish tint due to the presence of iron oxide. This embankment occurs unconformably between the upper and lower clays, and, like many similar structures when seen in section, exhibits anticlinals of deposition. Its base is not exposed to view, but as the clays of the lower series occur near at hand, both to the north and south, it seems probable that the gravels composing the embankment were, at least in part, accumulated during the time the lower clays were being deposited. Like the embankment at the southern end of Humboldt Lake, this structure was probably begun early in the history of Lake Lahontan, and has been enlarged many times since. The last addition was contemporaneous with the deposition of the upper clays, or perhaps in part subsequent to it; in the main, however, it is composed of the medial gravels of the Lahontan series. Northward from the crest of the embankment the cañon walls decrease in height, as represented in Fig. C, Plate XXVIII, all the way to Mason Valley, where the river becomes a surface stream. The medial gravels are exposed for about 8 miles north of the embankment, and appear again at a point where they have suffered some local disturbance about 4 miles below the point where the river leaves Mason Valley.

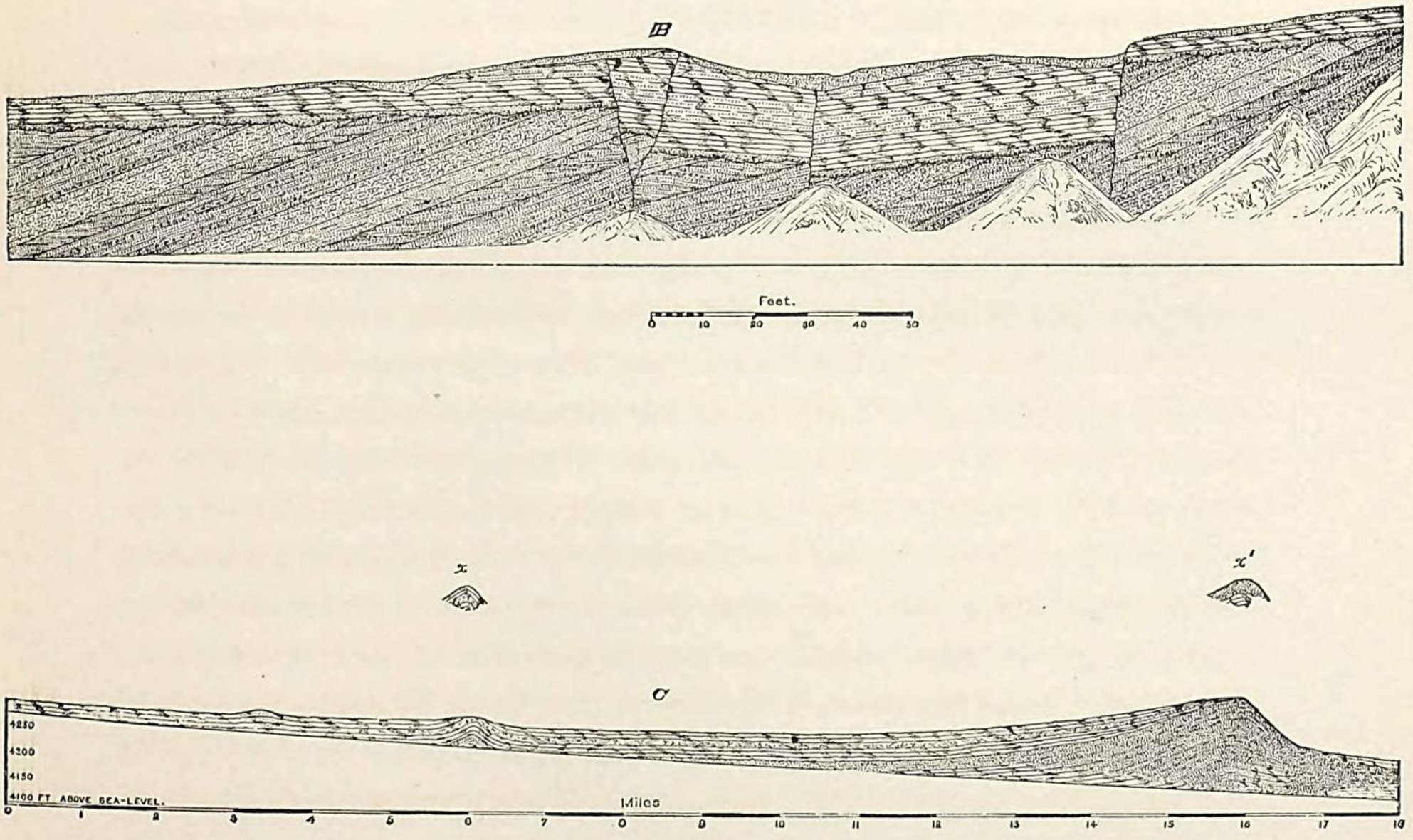
Throughout the entire exposure of lower lacustral clays observed in the Walker River Cañon, the strata are of light-colored, laminated, marly clays, of the same nature as the corresponding beds occurring in the Hum-

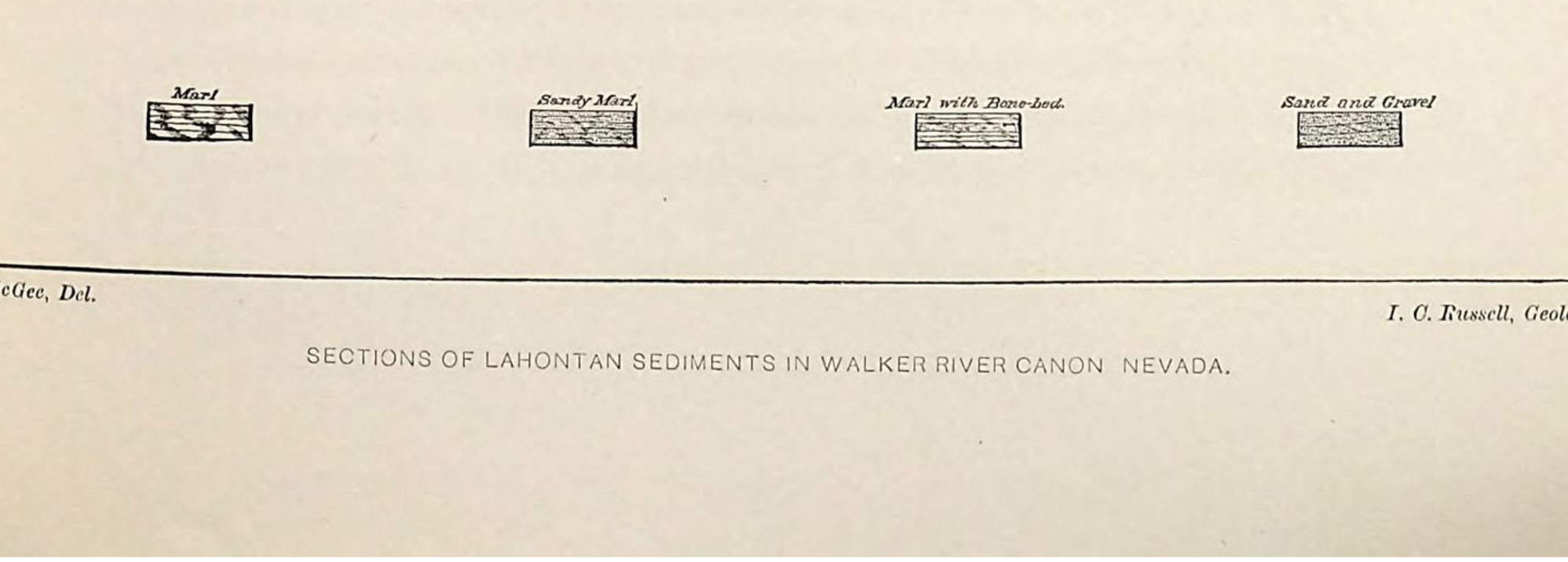
boldt and the Truckee cañons, and therefore do not require farther description. The medial gravels, in common with lacustrine shore deposits in general, are heterogeneous accumulations of worn and rounded sand, gravel, and boulders, with occasional inclusions of finer *débris;* cross stratification prevails, and many of the beds were deposited in an inclined position.

The upper lacustral clays in the Walker River section are more varied and indicate more complex conditions of deposition than the similar exposures that have been described in the preceding pages. The upper and lower portions of the upper clays have the normal features of the deposit, but an intermediate portion, varying 20 to 30 feet in thickness, is of a more diversified character, and includes strata of sand and gravel which are frequently iron-stained and in many places form contorted and folded layers.

This portion of the upper clays obtained the name of the "bone-bed" in our field notes, from the numerous mammalian remains that it contains (see Chapter VI). It is exceptional in the Lahontan series, and evidently must have been formed under peculiar conditions. The only hypothesis which seems to furnish assistance in interpreting the phenomena observed assumes that the embankment dividing Walker River and Walker Lake valleys formed a dam in late Lahontan times that obstructed the free circulation of the waters occupying the two basins and caused the region above the obstructions to become a swamp or a shallow lake in which the iron-stained deposits of varying character containing mammalian remains were accumulated. Afterwards the lake rose sufficiently to flood the valley and allow homogeneous, fine-grained clays to accumulate. In this portion of the deposit the shells of *Margaritana margaritifera* are abundant. The surface of the upper clays over large areas both in Walker Lake and Walker River valleys is coated with an abundance of dendritic tufa, which occurs both in mushroom-shaped masses that have formed about small nuclei and in irregular vertical sheets which penetrate the clays and in some instances inclose considerable areas. These sheets of tufa seem to have formed on the sides of fissures, or perhaps on eroded surfaces which had been submerged, in such a manner as to take an accurate cast of the beds against which they were deposited. The upper clays in the Walker River section correspond not only in their composition and arrangement







W J McGee, Del.

I. C. Russell, Geologist.

SECTIONS OF LAHONTAN SEDIMENTS IN WALKER RIVER CANON NEVADA.

with the similar beds in other parts of the Lahontan basin, but they contain the same species of fossils. Their tufa deposits in various parts of the old lake basin record similar chemical conditions.

The following section observed in the left bank of the Walker River, about two miles above the gravel embankment shown on Plate XXVIII, represents the prevailing character of the exposures to be seen in this region:

		Feet.
Upper lacustral clays	Æolian deposits forming desert surface	1 to 10
	Light-colored marly clays, passing into ferruginous sandy beds, sometimes contorted, containing detached mammalian bones; changing to marly clays at the base	40 to 50
	Contact unconformable.	
Medial gravels	Gravels and loam, colored with iron	25 to 30
	Contact unconformable.	
Lower lacustral clays	Light-colored marly clay; to river	75

The sections taken at various points along the Walker River show great variation, but the differences are caused almost entirely by the want of constancy in the medial gravels; the upper and lower members of the series are remarkably uniform throughout. In the majority of cases where the upper or lower contacts of the medial gravels could be seen they were found to be unconformable with the adjacent beds.

The most difficult problems presented by the superficial geology of the Walker River Valley are in connection with the orographic disturbances that have affected the region in post-Lahonta ntimes. The valleys occupied by Walker Lake and Walker River are of the Great Basin type, and owe their formation to pre-Lahontan faulting; the main displacement that gave origin to the depressions—which are structurally a single basin—follows its western border and determines the extremely precipitous eastern face of the Walker Lake or Wassuck Mountains. Other faults, less plainly distinguishable, occur on the eastern border of the valley, especially near its northern end, and connect with the displacements to be seen in Mason Valley. Some of these ancient fault lines, including the largest of all—that following the western border of the valley—appear at the surface within the basin of the former lake; in such instances a post-Lahontan movement of the ancient

displacements is usually indicated by fresh scarps in lacustral clays and gravels. Since the desiccation of Lake Lahontan there has been considerable movement along some of these ancient lines of fracture, and the Lahontan beaches and terraces no longer retain their normal position, but in places have been carried far above the horizon which they originally occupied. If we consider the crest of the gravel embankment separating Walker Lake Valley from the valley occupied by Walker River as approximately the original level of the Lahontan beach, we find that the eastern end of the structure, as determined by Mr. McGee, is now fully 200 feet above its original position, as indicated at x′, Plate XXVIII. The only explanation of this phenomenon the writer can offer is that the fault following the eastern border of the valley has increased its displacement in post-Lahontan times and carried the shoreward portion of the bar above its normal position. Similar disturbances may be seen in the northern part of the same valley, where a post-Lahontan fault occurs on each side of the basin exposing characteristic sections of Lahontan sediments. The altitude of the beach on the eastern side of the valley is indicated at x, Plate XXVIII. In the bottom of the valley and near the northern end, the strata are arched as indicated in the generalized section. From the limited section open to examination, this seems to be a variable anticlinal, and, if so, it is the only post-Lahontan arch of this nature that has been observed. The movements that produced the disturbances in the northern part of the Walker River Valley are connected with the recent displacements to be seen in the vicinity of the hot springs in Mason Valley, and are so indicated on Plate XLIV.

Local faults affecting the Lahontan sediments are of frequent occurrence, especially in the lower portion of the Walker River Valley; the throw of these displacements is seldom over 40 or 50 feet, and they have caused but little change in the topography of the valley. They are of different dates, as is illustrated by figures A and B, Plate XXVIII; in the former, the displacement took place previous to the deposition of the medial gravels; and in the latter, after the upper clays had been deposited.

We have described the orographic movements in this region in somewhat general terms, for the reason that it is difficult to describe the facts on

which our conclusions rest with as much accuracy as could be desired, and also because the subject will claim further attention in connection with other orographic disturbances that have affected the Lahontan basin.

GENERALIZED SECTION OF LAHONTAN SEDIMENTS.

On grouping the numerous sections of Lahontan sediments observed in the Humboldt, Truckee, Carson, and Walker cañons, we have the following generalized section of sedimentary deposits formed in the ancient lake:

	Average thickness, in feet.
Upper lacustral clays:	
Evenly laminated marly clays, fine and homogeneous, usually saline; with interstratified bands of dendritic tufa near the top; in places containing intercalated layers of volcanic dust. In some places this member is divisible into three parts, the upper and lower being normal clays, while the intermediate member is more sandy, and usually contains iron-stained lyse, that are frequently contorted	50 to 75
Fossils: *Cypris, Anodonta, Margaritana, Sphærium, Pisidium, Helisoma, Gyraulus*, etc., together with mastodon or elephant, horse, and camel.	
Contact uncomformable.	
Medial gravels:	
Cross-stratified sand, gravel, and loam, in beds that are irregular both in thickness and inclination, frequently forming arches of deposition. At times exhibiting two plainly marked divisions; the upper being a compact, earthy, homogeneous, flood-plain deposit; the lower clean, well-rounded sand and gravel, at times strongly cross-bedded	50 to 200
Fossils: *Anodonta, Gyraulus, Lymnophysa, Pompholyx.*	
Contact unconformable.	
Lower lacustral clays:	
Laminated marly clays, very similar to the clays at the summit of the section. The clays throughout the section frequently exhibit two systems of joints at nearly right angles to each other (full thickness not exposed)	100
Fossils: *Pompholyx.*	

The interpretation of this section gives an outline of the later Quaternary history of the Lahontan basin; but as the base of the lower clays is nowhere exposed, all the changes that may be recorded by the lower strata remain unknown. From the sedimentary deposits observed we learn that there have been two high-water periods in the history of the Lahontan basin, during which fine clays were deposited. Separating these two periods was a time when the lake was low and allowed current-borne gravels to be carried far out over the previously formed lake-beds. During the second flooding the waters underwent long concentration, and at a certain period deposited a vast quantity of tufa; the lake during this stage also received

large quantities of pumiceous dust, which must have been thrown out by some volcano in the state of violent eruption. The second rise of the lake was followed by the present period of desiccation, which witnessed the evaporation of its waters and the exposure of its sediments to subaerial erosion. The rivers in flowing across the exposed lake-beds carved the deep channels we have described, and are now spreading stream and current borne gravels far out in the central portions of the valleys, thus in many ways repeating the conditions that characterized the time during which the medial gravels were deposited.

In order to represent the sediments of Lake Lahontan on a geological map of the region one has but to color the area once occupied by the lake with the appropriate tint. The older rocks throughout the area are not completely concealed by the sediments of the lake, however, the exceptions occurring along the borders of the basin and about isolated buttes; but these portions being usually precipitous, the belt left unconcealed is so narrow that it would be scarcely possible to represent it on a geological map of the scales ordinarily used.

To prevent confusion it seems appropriate to indicate at this time some discrepancies that exist between the published reports of the United States Geological Exploration of the Fortieth Parallel and the conclusions presented in the present volume. On map V of the atlas issued for that exploration a large portion of Lahontan basin is included. The area covered by the sediments of Lake Lahontan, as determined by the present survey, are there indicated in four different ways. Some portions are represented as Truckee Miocene, others as Humboldt Pliocene, while the greater part is divided between Upper and Lower Quaternary.

The areas colored as Truckee Miocene are situated at the lower end of Humboldt Lake and at the southern end of Winnemucca Lake. The deposits at these localities are similar, consisting, if the writer's determinations are correct, of gravels that were accumulated in the form of bars or embankments through the action of the currents of the Quaternary lake. The some deposits about the south shore of Humboldt Lake have been described at length in the preceding pages (105 to 112), and a detailed map of the area

presented on Plate XVIII. The embankments near the south end of Winnemucca Lake are described on page 120. The discrepancy in reference to the nature of the gravel deposits bordering Humboldt Lake may be seen by comparing the pages referred to above with the description given on page 742 of Vol. II of the reports of the United States Geological Exploration of the Fortieth Parallel.

The entire area represented as Humboldt Pliocene, on map V of the atlas cited, has been considered throughout the present volume as of Quaternary age, and as furnishing the most typical exposures of Lahontan sediments, as will be seen by referring to the descriptions of the Humboldt and Truckee cañons.

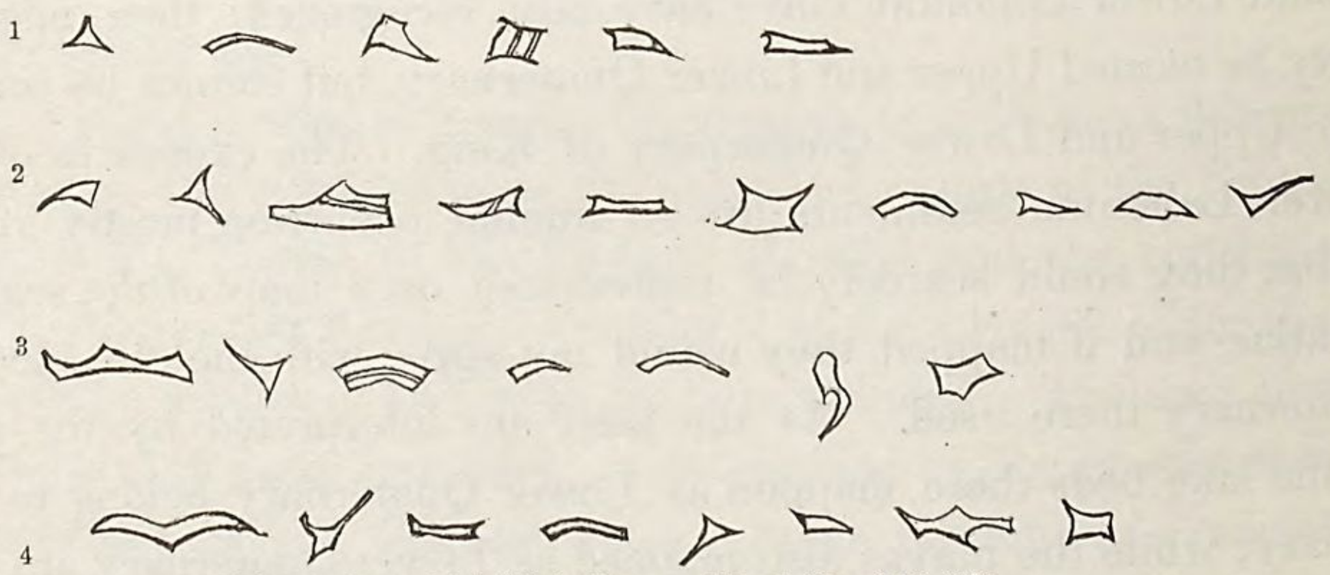
The areas colored as Lower Quaternary on map V, of the atlas named, are mostly playa-deposits; while the areas designated as Upper Quaternary are largely covered with alluvial gravel, especially near the mountains, but in the broader valleys within the Lahontan area large portions thus designated are floored with Lahontan sediments. In the present report Upper and Lower Lahontan clays have been recognized; these might with propriety be termed Upper and Lower Quaternary, but cannot be correlated with the Upper and Lower Quaternary of King. The exposures of upper and lower Lahontan sediments are so limited, occurring mostly in cañon walls, that they could scarcely be represented on a map of the scale used in that atlas, and if mapped they would not agree with the classification of the Quaternary there used. As the facts are interpreted by the present writer, the lake beds there mapped as Lower Quaternary belong to Upper Quaternary, while the playas also mapped as Lower Quaternary are recent. The alluvial deposits, there mapped as Upper Quaternary, are deep formations whose accumulation began at least as early as the Tertiary and has been continued to the present time. Their surface layers are in part modern, but other areas have received no recent additions and are superficially Upper Quaternary.

EXCEPTIONAL SEDIMENTARY DEPOSITS.

PUMICEOUS DUST.

In describing the section of upper lacustral clays observed in the Humboldt, Truckee, and Walker River cañons, strata of fine silicious material, varying in thickness from a fraction of an inch to five or six feet, were noted at a number of localities; it is now our intention to describe these abnormal deposits more fully.

In all the exposures of this material the same characteristics were observed. The beds are composed of a white, unconsolidated, dust-like, silicious substance, homogeneous in composition, and having all the general appearance of pure, diatomaceous earth. When examined under the microscope, however, it is found to be composed of small, angular glassy flakes, of a uniform character, transparent and without color, but sometimes traversed by elongated cavities. When examined with polarized light, it is seen to be almost wholly composed of fragments of glass, with scarcely a



1. Volcanic dust which fell in Norway, March 29 and 30, 1875.
2. Volcanic dust emptied from Krakatoa, August 27, 1883.
3. Volcanic dust from the Truckee River, Nevada. Quaternary.
4. Volcanic dust from Brakleast-Hill in Saugus, Mass., pre-Carboniferous.

FIG. 23.—Volcanic dust.

trace of crystal or of foreign matter. On comparison with volcanic dust that fell in Norway in 1875, derived from an eruption in Iceland, with the dust erupted in Java in 1864, and the similar material ejected in such quantities from Krakatoa in 1883, it is found to have the same physical characteristics; but it is much more homogeneous, and, unlike the greater part of the recent dust examined, is composed of colorless instead of brown or smoky glass. In the following figure, which we copy from

Mr. J. S. Diller's instructive article on the volcanic sand which fell at Unalaska, October 20, 1883,[49] the microscopic appearance of volcanic dust, from various localities and of widely different geologic age, is shown with accuracy. The peculiar concave edges and acute points of the shards of glass render it evident that they were formed by the violent explosion of the vesicles produced by the steam generated in the viscid magma from which the glass was formed, and were not produced by the mere attrition of the fragments during the process of eruption. It is noteworthy that the dust erupted from Krakatoa but yesterday is undistinguishable in its main characteristics from the material of a similar origin which fell in the waters of Lake Lahontan during the Quaternary, or from the dust thrown out by some unknown and long since extinct volcano in the vicinity of the Atlantic coast, which fell near the site of Boston during pre-Carboniferous or possibly in pre-Cambrian time. The volcanic phenomena of to-day are governed by the same laws as obtained at the dawn of geologic history.

Farther study revealed that even the finest of the dust obtained from the basin of Lake Lahontan has identically the same physical properties as pumiceous rhyolite forming the Mono Craters, ground in a mortar to a corresponding fineness; under the microscope the two powders were very similar.

The dust deposits are rich in silica, as shown by the following analysis, by Dr. T. M. Chatard, of a sample collected in the bank of the Truckee River near Pyramid Lake; for comparison we give also an analysis, by the same chemist, of a specimen of pumiceous rhyolite from the Mono Craters:

Constituents, etc.	Volcanic dust.	Pumiceous rhyolite.
Loss by ignition (water)	3.91	2.20
Silica (SiO_2)	71.15	74.05
Alumina (Al_2O_3) and iron (Fe_2O_3)	15.95	13.85
Lime (CaO)	0.85	0.90
Magnesia (MgO)	0.41	0.07
Magnesia (MnO)	Trace.	.....
Potash (K_2O)	3.36	4.31
Soda (Na_2O)	4.94	4.60
	100.57	99.98

The striking similarity in the composition of the above samples (especially when allowance is made for the greater percentage of moisture

[49] Science, Vol. III, p. 652.

in the specimen of dust, and the fact that it has been exposed to the action of solvents much more than the rock remaining in the crater walls) strongly favors the assumption that they had a common origin.

More extended operations in the field revealed that beds like those described above are not confined to the Lahontan basin, but are found as superficial deposits above the Lahontan beach at many localities and at points far distant from the old lake margins. Accumulations of the same nature occur in the Mono Lake basin, interstratified with lacustral deposits, and were also found in the cañons about Bodie at a considerable elevation above the level of the Quaternary lake that formerly occupied Mono Valley. About Mono Lake these deposits are frequently of a coarser texture than those found farther northward, and, at times, graduate into strata which reveal to the eye the fact that they are composed of angular flakes of obsidian.

The Mono Craters form a range some 10 or 12 miles long, which extends southeastward from the southern shore of Mono Lake, and in two instances attains an elevation of nearly 3,000 feet above the lake. A few coulées of dense, black obsidian have flowed from them, but the great mass of the cones is formed of the pumiceous obsidian which occurs both as lava-flows and ejected fragments, the latter forming a light lapilli which gives a soft gray color to the outer slopes of the craters. Fragmental material of the same nature has been widely scattered over the mountains and on the ancient moraines that occur in the Mono basin, while fine dust, unquestionably derived from the same source, may be traced to a still greater distance.

From the evidence given above we conclude that the strata of fine, siliceous, dust-like material occurring in the Lahontan sections, as well as the similar beds found about Mono Lake and scattered as superficial deposits over the neighboring mountains, are all accumulations of volcanic dust, which was probaly erupted from the Mono Craters.[50] The greatest

[50] This material could not have been erupted from the craters in which the Soda Lakes, near Ragtown, are situated, as these volcanoes are formed of quite different and more heterogeneous material. The fragments of scoria ejected from these vents are composed of basalt in which grains of olivine are conspicuous.

distance from the supposed place of eruption at which these deposits have been observed is about 200 miles.

The resemblance between the volcanic dust described above and very pure diatomaceous earth is so close that it is difficult to distinguish one from the other by a cursory examination; with the aid of the microscope, however, the difference is at once apparent, as the dust seldom shows even a trace of any organism mingled with it.

WHITE MARL.

At a number of localities in the Lahontan basin there are exposures of white, chalky marl which does not appear in the cañon sections we have described, but is exposed locally, mostly on the sides of the basin, and evidently indicates peculiar conditions of the waters in which it was accumulated.

White marls were first observed in the Lahontan basin at the southern end of the desert valley, which is connected with the Carson Desert by the narrow pass in which Allen's Springs are situated; during the higher stages of the ancient lake this valley formed a land-locked bay. That the waters did not extend through the pass at the southern end is shown by a series of barrier-bars at about the horizon of the Lahontan beach, which sweep about this portion of the ancient shore in graceful curves. These concentric gravel ridges, or barrier-bars, record a gradual recession of the waters which once filled the valley, and are especially noticeable from the neighboring hills when the slanting, afternoon light brings out their symmetric forms in bold relief. Modern drainage has cut a channel through them in a direction at right angles to their general trend, and exposed the following section:

	Feet.
Well-worn gravel, forming barrier bars	15 to 25
Fine sand, cross-bedded	8 to 10
Finely laminated, white, chalky marl	
Gravel, well rounded, ferruginous	1 to 2
Fine sand; to bottom of exposure	1 to 2

The marl at this locality is by aneroid measurement 175 feet below the Lahontan beach, and may be traced for a hundred yards or more along the sides of the arroyo. At both its lakeward and shoreward margin it becomes

impure from the intermingling of sand and gravel, and finally wedges out and is replaced by water-worn *débris* like that forming the bars. It seems to form a lenticular mass, filling a local basin, but the section does not give complete proof that such is the case. Our observations would apply equally well to a low off-shore embankment built by gentle currents, and subsequently buried by ordinary shore-drift. The gravel bars resting on the marl were formed during a subsequent rise of the waters and were never afterwards submerged; consequently the marl must have been deposited previous to the last high-water stage of Lake Lahontan This will be of interest when the oscillations of the lake are more fully described.

Passing to other localities where white marl has been observed, we find that in sheltered ravines on the sides of the basaltic buttes overlooking the southern shore of the South Carson Lake there are fine, mealy deposits of this nature, 20 or 30 feet thick, and some distances below the highest of the Lahontan terraces, which contain gasteropod shells in abundance. Similar beds were also observed about 2 miles north of Allen's Springs, in the bottom of the ancient channel leading to the Carson Desert. The exposure is here imperfect, and as the beds are but little elevated above the general desert-surface it is with doubt that they are referred to the same period in the history of the lake as the similar deposits observed at higher levels. White marl may also be seen at a number of indefinite exposures at a uniform horizon, some distance below the Lahontan beach, along the steep bluffs which border the Carson Desert on the south. In Alkali Valley, 2 or 3 miles west of Sand Springs, similar marls filled with gasteropod shells occur in a group of embankments that project into the valley. Another locality of the same nature was observed on the west side of Humboldt Lake at an elevation of four hundred feet above the lake surface.

In the Truckee Cañon, about a mile below the Truckee Narrows, there are beds of pure, white, chalky marl not less than 50 feet in thickness, that are grouped about a butte of volcanic rock which was formerly completely buried beneath Lahontan sediments, but is now exposed by the erosion of the river. These beds are in part overlain by Lahontan deposits, but the exposure is obscure and the relation of the marls to the associated clays

not easily determined; no fossils were found, and it is not impossible that the marls are of much older date than the associated Quaternary beds; possibly they are of Tertiary age.

The best localities of all for observing the deposits we are considering are about Pyramid Lake. In this basin they frequently appear as a conspicuous white band along the borders of the valley at an elevation of 320 feet above the 1882 level of the lake, and form a well defined built-terrace which we have named the "White Terrace." Measurements with an engineer's level, as well as many observations with an aneroid barometer and hand level, show this terrace to have a nearly uniform height and to be coincident in elevation with the water-line which marks the upper limit of the dendritic tufa. About the Marble Buttes, and at many points along the steep western shore of Pyramid Lake, the White Terrace is well exposed in sheltered ravines, which were coves and bays when the waters occupying the valley stood 320 feet higher than at present, but it is wanting on projecting spurs. Northward of Mullen's Gap the terrace becomes more continuous, and when cut by arroyos exhibits the sequence represented in the following section:

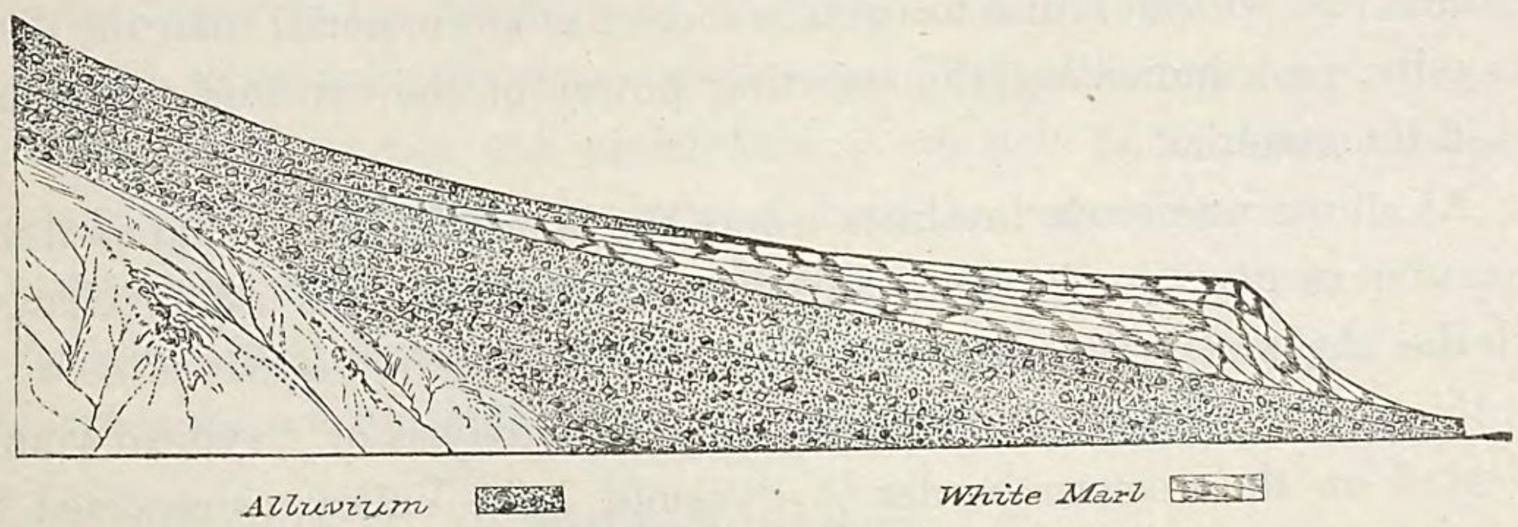


FIG. 24.—Section of White Terrace, west side of Pyramid Lake, Nevada.

In some instances the outer border of the terrace has been removed so that the steep lakeward dip of the strata is not always observable. At a number of localities the terrace is from 200 to 400 yards broad, with a plane or slightly concave upper surface which usually slopes gently lakeward; the outer scarp is steep and at times 30 or 40 feet high, but the deposit diminishes rapidly in thickness towards the shoreward margin. The marly beds are usually underlain by alluvium, as shown in the figure, and are

overplaced along the shoreward margin by similar material that has been swept down from the slopes above. Sometimes the marls are deeply eroded and present typical "bad land" topography in miniature.

The White Terrace may be seen at a number of places about the northern end of Pyramid Lake, and in the pass leading to Honey Lake Valley. At the southern end of Smoke Creek Desert it was again observed, with its normal elevation of 320 feet above Pyramid Lake. Further northward, it occurs at a number of localities on the steep borders of the Black Rock Desert. From the numerous exposures observed it is evident that this terrace occurs all about the deeper portions of Lake Lahontan, and may be considered as co-extensive with the dendritic terrace with which it coincides in elevation. The occurrence of the marl as a shore deposit is independent of the character of the rock against which it rests; it occurs with equal purity on alluvial slopes and on shores of limestone, basalt, rhyolite, etc. It is found in abundance about isolated buttes that formed small islands in the former lake, as well as along the shores of the mainland, and is therefore evidently not a product of erosion. Occasionally, however, the marl is mingled with sand and pebbles, and when it takes the form of a free bar the proximal end will be found to contain more foreign material than the distal extremity, thus indicating the assorting power of the currents that transported the material.

At all the numerous localities where the White Terrace is exposed it is composed of fine, incoherent, chalky marl, which is often richly charged with the shells of fresh-water mollusks. In places the deposit is 40 or 50 feet thick, and homogeneous throughout. An analysis of a typical sample collected on the western border of Pyramid Lake Valley, as reported by Dr. T. M. Chatard, is given below, and shows that the material is essentially an impure calcium carbonate containing a high percentage of silica:

Water (H_2O)	3.32
Calcium carbonate ($CaCO_3$)	64.82
Silica (SiO_2)	22.00
Alumina (Al_2O_3)	5.14
Iron (Fe_2O_3)	2.04
Lime (CaO)	0.93
Magnesia (MgO)	1.89
	100.14

When examined microscopically the marl reveals a great quantity of crystallized and amorphous calcium carbonate, very similar in appearance to the same substance obtained by precipitation in the laboratory, together with other bodies which appear more clearly when the material is treated with diluted acid. On examining the residue insoluble in acids under the microscope, is found to contain many diatoms, especially in the finer and more flocculent portion of the sediment; the coarser portion, which subsides most quickly, also contains diatoms, but is mainly composed of crystalline grains and many glassy flakes similar to those composing the volcanic dust described on page 146. The chemical and microscopical examinations render it evident that the material in question is mainly a chemical precipitate, but is also, in part, of mechanical and organic origin.

It seems probable that the calcium carbonate forming the principal portion of the marl was precipitated from the waters of Lake Lahontan in a microcrystalline and amorphous form at about the time the dendritic tufa was being accumulated; and became mingled with the siliceous exuviæ of the microscopic organisms that lived in abundance in the lake waters; it also received some contributions of volcanic and æolian dust, but, in the main, was free from the products of ordinary stream erosion. The deposit thus formed, when near the shore, was assorted and rearranged by currents so as to form the terrace and embankments we now find. In the deeper portions of the lake the lime precipitated from the waters was mingled with clay and sand and now appears as marly-clay. The abundant precipitation near the shore may also have been due, in part, to the greater abundance of nuclei which tended by their presence to induce crystallization

ÆOLIAN SANDS.

The accumulations to be described under this head consist mainly of sand that has been blown about by the wind and finally deposited in banks or dunes which sometimes cover large areas.

The first acquaintance the explorer in the Great Basin usually makes with the material forming these deposits is when it is in motion and fills the air with clouds of dust, sand, and gravel, which are blinding and irritating, especially on account of the alkaline particles which saturate the

been blown inland by the prevailing westerly winds. It seems more probable, however, that they owe their origin to the subaërial disintegration of the granites of the Sierra Nevada.

Section 4.—ANCIENT STREAM CHANNELS.

When the waters of Lake Lahontan subsided during inter- and post-Lahontan periods its basin became divided into separate water bodies or independent lakes, some of which were connected by streams that overflowed from one to another. The channels eroded by these streams are interesting not only as examples of erosion, but because they contribute to the interpretation of the history of the former lake. When a large inclosed lake is reduced so far by evaporation that the inequalities of its bottom divide it into independent areas, it is evident that this fact in itself is a record of an important climatic change; when the ridges or embankments that divide a lake in this manner are cut by channels of overflow, it is evident that they may furnish some index of the length of the period of desiccation or perhaps of the date at which it occurred. The multiplication of hydrographic basins by desiccation is illustrated by the present condition of the Lahontan region, as shown on Plate XXIX. The ancient lake basin is now divided into six independent drainage areas.

Old channels now abandoned and dry occur in the Lahontan basin, between the larger areas of the former lake and the neighboring valleys that once formed bays along its shore. The Carson Desert is united with the desert valley south of Allen's Springs by a deeply eroded channel of this nature, which appears to have been cut by a stream flowing northward; a moderate rise of the waters of the Carson Desert would flood this pass and reconvert it into a strait This channel is about 5 miles long, and has precipitous walls composed of lacustral sediments, which are lined with the form of tufa we have called dendritic, while in the bottom of the pass there are crags of thinolitic tufa; from these records we learn that the channel was excavated previous to the rise of the lake during which tufa deposits were formed. As the sequel will show, these tufas were deposited during that

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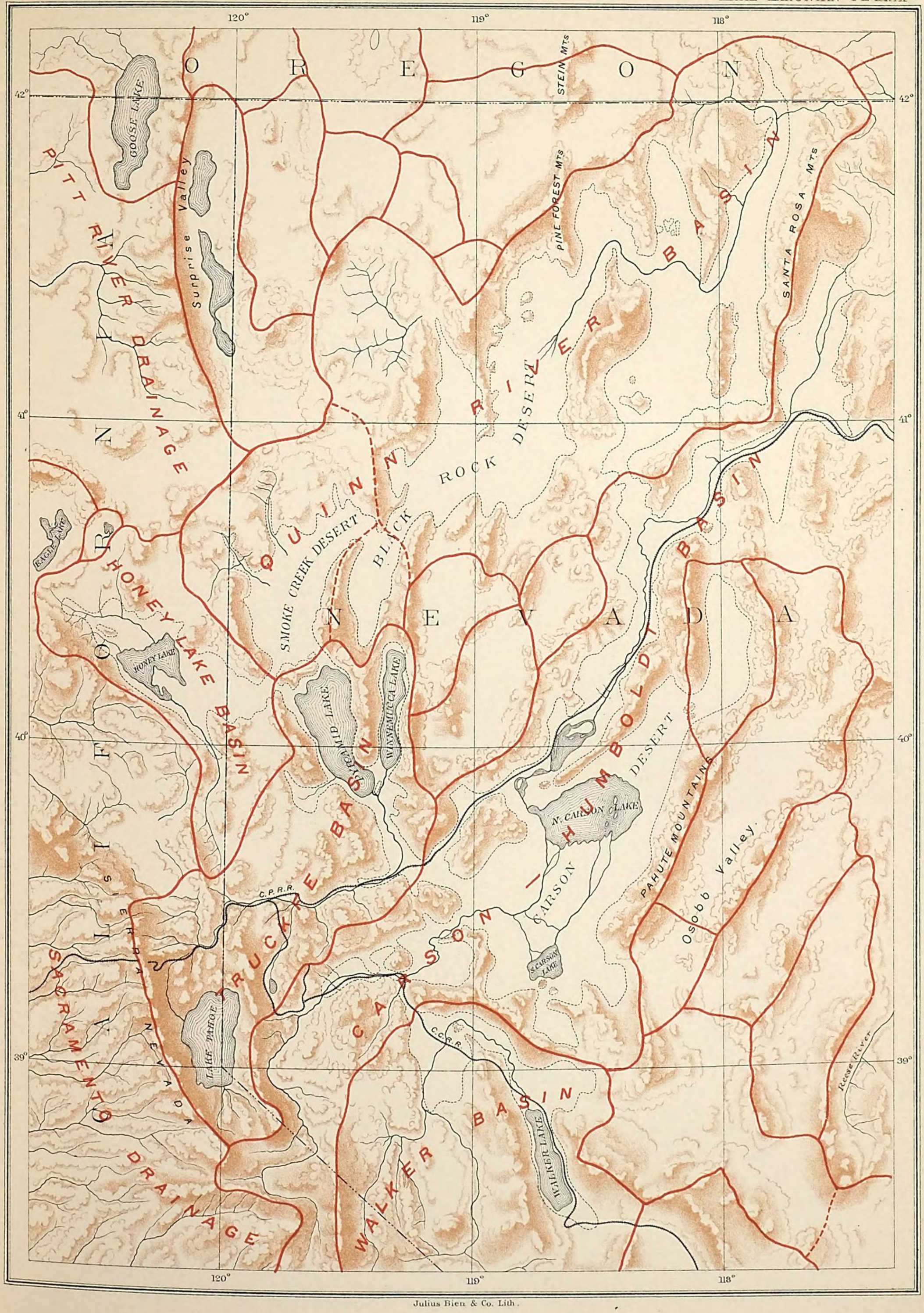


Julius Bien & Co. Lith.

Hydrographic Boundaries ~~~

PRESENT DRAINAGE AREAS OF THE LAHONTAN REGION.

Lahontan Beach - - -

Scale: 29 miles - 1 inch

0 5 10 15 20 25 50 75 100

portion of Lahontan history that witnessed the accumulation of the upper clays; and since the walls of the channel are composed of lacustral sediments, the inference is drawn that it was excavated during an inter-Lahontan period of desiccation. It will appear, as we progress with our history, that this is but one of a number of independent lines of proof which show that Lake Lahontan had two high-water stages, separated by a time when it was greatly lowered by evaporation, and perhaps reached absolute dryness.

The ancient channels, now dry and abandoned, similar to the one connecting Carson Desert and the desert basin south of it, occur at the northern end of Pyramid Lake Valley; one of these leads to Honey Lake Valley and the other to Smoke Creek Desert. The former, known as Astor Pass, was never deeply excavated, showing that the valley in which Honey Lake is situated must have been an independent water-body during a large part of the Quaternary. The second, however, is a pass, now partially obstructed by gravel embankments, which must have been a narrow strait during the greater part of the Lahontan period. The bottom of this pass is on a level with the thinolite terrace in Pyramid Lake Valley, as shown by aneroid measurements, and is thought to have regulated the water in that valley in such a manner as to bring it frequently to the same level. This would be accomplished by allowing it to escape, at a certain horizon, on to the Smoke Creek Desert. It may be that this is the reason for the great strength of the thinolite terrace about Pyramid Lake. Another channel of a similar character, now known as the Ragtown Pass, connects the Carson Desert with the desert valley in which the Eagle Salt Works are situated. All these channels were in existence before the deposition of dendritic tufa, but the proof that they were excavated in lacustral clays is less definite. It is probable that some of them were occupied by streams before the first rise of the ancient lake. In some instances they have become partially re-excavated during the present period of desiccation, but usually they are still occupied by the upper clays.

Other channels of this character have been examined in the Lahontan basin, but their features are not so clearly defined as in the examples described above, and their bearing on the history of the former lake is consequently less definite.

Section 5.—ILLUSTRATIONS OF GEOLOGICAL STRUCTURE.

It is customary to consult the older and usually the more thoroughly consolidated stratified rocks for illustration of geological structure, but as such features are in many cases the records of the manner in which the beds were deposited, it is evident that they should occur in the newest as well as the oldest formations. It is well known that the history of the earth is a continuous record, however fragmentary it may seem at the present day, and that the processes of nature have been the same throughout the geological ages. Nowhere are these axioms more thoroughly sustained than in the recently desiccated lake basins of the Far West. As the gravels and finer sediments deposited in Lake Lahontan afford many instructive records of the circumstances under which they were accumulated, we have prepared the following brief summary of observations relating to geologic structure due to deposition, erosion, etc., believing that it will assist in interpreting similar phenomena when observed in older rocks, where they are frequently obscured by metamorphism and other changes.

STRATIFICATION AND LAMINATION.

The sediments forming the upper and lower portions of the Lahontan section consist of fine, homogeneous, evenly-stratified marly-clays, which show a distinct lamination parallel with the planes of bedding. Attention is called to the lamination of these deposits in connection with other features due to deposition, as it has manifestly resulted from the slow accumulation of fine sediments in thin layers, and does not owe its existence to pressure, as is the case in many older rocks. This is evident since both the upper and lower clays are alike laminated, while the higher members of the series at least have never been subjected to the pressure of superimposed deposits.

CURRENT BEDDING.

The gravels separating the upper and lower Lahontan clays are characterized by extreme irregularity, and afford many illustrations of structure due to deposition. They were deposited in the shallow waters and were much agitated by waves and currents, and among other features present

typical examples of "current bedding," sometimes called "cross-bedding" and "false-bedding," as is abundantly illustrated in the walls of the Humboldt, Truckee, and Walker cañons. The beautiful curves presented by these irregular beds when seen in section are represented with much accuracy in the detailed sections illustrating the exposures observed. From the thousands of examples examined in various portions of the basin, those presented on Plates XXIII, XXIV, XXV, and XXVII, have been selected as types of this phenomenon. Not only is this structure remarkable for the grace and elegance of the curves produced, but each sweeping line and each curving stratum has an individual structure and varies through all degrees of fineness, and through very many shades and tints, which serve to distinguish it from adjacent deposits. The accuracy of the illustrations to which we have directed attention renders farther description of the forms presented by current-bedded gravels when seen in section unnecessary.

Examples of what may be properly designated as "drift bedding" are abundant, especially in the walls of the Truckee Cañon, which furnish fine examples of the oblique stratification produced when currents sweep sand and gravel along the bottom until the edge of a scarp is reached and then deposit them in inclined layers. Under favorable circumstances this action may continue until a stratum is formed that is obliquely stratified from top to bottom, perhaps several feet in thickness, and of wide extent, as illustrated in the central portion of the section exposed in the Truckee Cañon.

The deposition of current-borne *débris* in inclined strata sometimes takes place on a grand scale, as is illustrated by the section of the gravel deposits at the southern end of Humboldt Lake, shown in Fig. 17, and again by Fig. 20, which represents a section of a similar structure at the southern end of Winnemucca Lake. In the cañon of the Walker River, evenly-bedded strata inclined at an angle of from 15° to 20° are exposed in a section that is fully 200 feet high, as represented on Plate XXVIII. In all these examples, and in many others that have been studied, the current-borne gravels composing the strata were deposited in the inclined position they now occupy, and do not owe their inclination to a movement of the beds subsequent to their deposition. Stratified beds deposited at an

incline are usually composed of water-worn gravel, but instances are not rare in the Lahontan basin of fine clays and marls that were formed in even layers inclined at an angle of from 10 to 20 degrees.

CONTORTED STRATA.

The folded and contorted appearance presented by many sedimentary beds may originate in two ways; either they were deposited in a horizontal position and subsequently disturbed, or they were laid down in agitated waters in the contorted forms we now find. The Lahontan sediments afford illustrations of each of these modes of origin.

Examples of contortion and deformation in the lower lacustral clays, obviously due to motion produced by the weight of the superimposed deposits, were observed at many localities. In the Truckee Cañon, disturbances of this nature occur, as shown in the lower portion of the illustration forming Plate XXV. At the left of the section the stratum of marly clay has been broken in an irregular manner and one part thrust over the other; at the right, in the same section, the strata are crumpled and folded in such a manner as to form anticlinals and synclinals in miniature. Other illustrations of similar disturbances may be seen in the section exposed along the Humboldt, Truckee, and Walker rivers. At the top of the section shown on Plate XXV, but weathered back so as not to appear in the drawing, there is a deposit of fine yellowish sand in contorted strata resting on the upper clays. This deposit contains crystals and rosette-like masses of selenite, and is evidently water-laid—not æolian as perhaps might be fancied—and from its position at the top of the section could never have been subjected to pressure or mechanical disturbance. The contortions and foldings of the thin sheets of sand composing this deposit are rendered especially distinct, when seen in section, by the presence of iron-stained lines and bands, which indicate a character of contortion that can only be explained by assuming that the beds were deposited in the irregular forms they now present. Similar contorted beds were observed in the Quaternary strata of the Mono Lake basin, California, in a bed of sand and pebbles 18

inches thick, inclosed between horizontal, evenly-bedded, ripple-marked clays and sand. In this instance the iron-stained lines marking the edges of contorted sheets, form a most intricate pattern when seen in section, and inclose pockets and cells sometimes four or five inches in diameter, that are without openings and packed full of gravel and stones; in some instances the pebbles thus enclosed are an inch or more in diameter and are all well waterworn. The presence of these cells filled with material of a different nature from the contorted sheets of sand, while the strata above and below the contorted layer are of fine sand and clay in even horizontal beds which show no crumpling, is evidently proof that the disturbance causing the irregularities of the deposit took place during the deposition of the strata and cannot be referred to subsequent mechanical movement. The conditions under which these contorted sands were accumulated are difficult to determine, but in some instances deposition seems to have taken place in shallow lakes that were greatly disturbed by winds and currents. The hypothesis which attributes the contortion of superficial strata to the action of advancing glaciers and grounded icebergs is not here admissible, as the relation of the lakes and glaciers is well known. The action of a moving ice sheet, formed by the freezing of a lake, might perhaps under certain conditions disturb the sediments beneath, and might even transport pebbles from the shore and drop them in offshore deposits; thus forming strata analogous to the exposure observed near Mono Lake. It is impossible, however, to account completely for all the phenomena observed by any of the hypotheses that have been suggested.

ARCHES OF DEPOSITION.

The finest example of an arch of deposition that has been observed in the Lahontan s ediments is represented in the section forming Plate XXV, and has already been noticed in describing the exposure to be seen along the Truckee River. This, with scarcely any doubt, is a section of a gravel bar, the top of which was removed previous to the deposition of the superimposed gravels. Similar arches, but less complete, may be seen in other portions of the Truckee section, and occur in greater or less perfection wherever a cross-section of a current-formed embankment or bar is

exposed. That the arch represented on Plate XXV is the result of deposition and not of mechanical disturbance is clearly shown by the horizontal stratification of the material above and below it.

UNCONFORMABILITY BY EROSION AND DEPOSITION.

Wherever the junction of the medial gravels with the lower or upper clays is exposed, one is nearly always sure to find evidence of unconformability, resulting usually from the erosion of the older strata. Examples of this phenomenon are shown in nearly all the accompanying illustrations which include the junctions in question. On Plate XXVII, the cross-stratification of the gravels filling eroded hollows in the lower clays is admirably shown by Figs. A, C, and D. On Plate XXIII, Fig. G illustrates the manner in which the strata filling eroded hollows are sometimes thickened; while Fig. J shows a thinning of similar beds when deposited over a protuberance of the bottom on which they were laid down. Figure K, of the same plate, furnishes an example of current-bedded gravels covering the eroded surface of the lower clays, while a second line of unconformity, also resulting from erosion, parts the gravels themselves. Sometimes the variations due to erosion and deposition are complicated by the effects of subsequent lateral movement, as appears to have taken place in D, Plate XXIII. Unconformability by deposition alone, where erosion has but little effect, is shown in Fig. B, Plate XXVIII, which illustrates the contact of horizontal lacustral beds resting upon gravels that were deposited in inclined strata. Other examples of a similar character may be found in many of the accompanying illustrations.

JOINTING.

The marly clays forming the upper and lower members of the Lahontan series usually break into prismatic and cubical blocks on weathering; the vertical faces of the blocks are determined by joint planes, and the horizontal by planes of lamination. In many localities a more pronounced jointing occurs, forming two approximately vertical systems that are nearly at right angles to each other. Judging from the number of instances observed, at widely separated localities, the joints in question may be

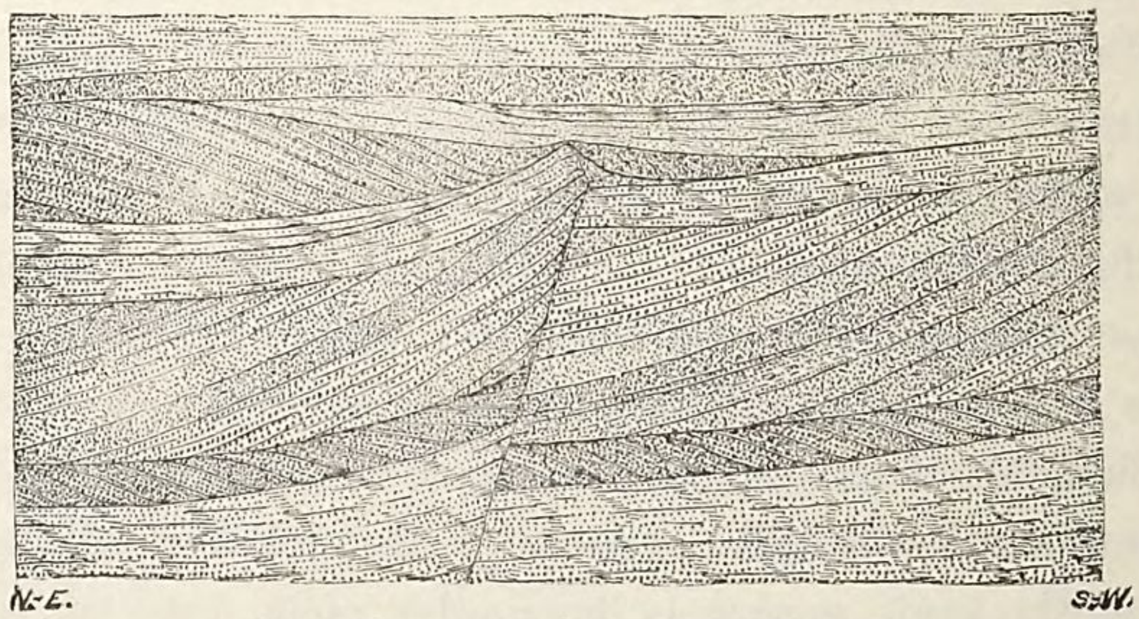
traced through the entire series of lacustrine beds. The occurrence of two distinct and well-marked systems of joints in a bed of marly clay 6 feet thick, lying between unconsolidated gravels, has been noticed on page 132. This may be taken for an example of what may be seen at numerous localities. The most striking exhibition of jointing that we have observed in the Lahontan strata occurs in the upper clays on the west side of the Humboldt River, near Saint Mary's. An arroyo has there exposed a vertical cliff 25 feet high, of homogeneous, marly clay that is cut from top to bottom by joints which divide the material into small pentagonal prisms that bear a superficial resemblance to basaltic columns. Specimens of these prisms may be collected that are 2 or 3 feet in length and not over 3 or 4 inches in diameter, with sharply-defined edges; in some instances the diameter of the columns is much less than here indicated, the prismatic form being still well preserved. The jointing of the Lahontan sediments is of the same nature as the similar phenomena observed in the Bonneville basin, the origin of which has been the subject of some discussion.[51]

FAULTS.

Two systems of faults have affected the sediments of Lake Lahontan; the first is of wide extent and due to a recent movement along the ancient lines of displacement which gave origin to the structural features of the region; the second is of local origin, and seems to be entirely independent of orographic disturbances. Displacements of the first class will be described in a future chapter devoted to the description of post-Lahontan orographic movements. The local faults in which we are interested at present are common in the soft, unconsolidated sediments of the ancient lake, but even in the most typical instances their displacement does not exceed a few feet, and, as indicated by several observations, they appear to have small vertical range, *i. e.*, their throw diminishes and finally disappears when

[51] G. K. Gilbert, "Post-Glacial Joints," American Journal of Science, Vol. XXIII, 1882, pp. 25–27. G. K. Gilbert, "On the Origin of Jointed Structures," American Journal of Science, Vol. XXIV, 1882, p. 50. John Le Conte, "Origin of Jointed Structure in Undisturbed Clay and Marl Deposits," American Journal of Science, Vol. XXIII, 1882, p. 233. W. O. Crosby, "On the Classification and Origin of Joint-Structure," Proceedings Boston Soc. Nat. Hist., Vol. XXII, 1882, pp. 72–85. H. F. Walling, "On the Origin of Joint Cracks," Proceedings American Association for the Advancement of Science, Vol. XXXI, 1882, p. 417.

traced downwards. Their hade usually approaches the perpendicular, and, as is common with the displacements in older rocks, slopes to the downthrow. In the instance represented below, however, the hade is reversed; this example occurs in unconsolidated gravels and clays of the Lahontan series at Mullen's Gap, on the western border of Pyramid Lake.



Scale of feet—vertical and horizontal the same.

0 5 10

FIG. 25.—Reverse fault in Lahontan gravels.

The upward bend of the strata on the heaved side of this fault may perhaps be accounted for by assuming that the displacement has undergone double movement. During the first, the block to the left of the plane of fracture, as it appears in the figure, was the thrown block; its downward movement caused the ends of the strata of which it is composed to bend upwards, as is common in similar displacements in older rocks; afterwards the movement was reversed, and what was previously the thrown side was upraised beyond its former position. The faulting took place in this instance previous to the deposition of the cross-stratified gravels represented in the diagram above the line of unconformability, as is proven by the fact that the plane of fracture does not extend through them. The interval between the disturbance causing the fault and the deposition of the superimposed beds was short, as is evident from the absence of erosion along the surface of unconformability.

Another illustration of the minor displacements that occur in the Lahontan sediments is given on Plate XXIII, Fig. A, which is remarkable

for the narrowness of the block cut out by the double dislocation; this double fault is one of a pair, as is shown in the following figure, which is drawn to the same vertical and horizontal scale, and represents with considerable accuracy the exposure observed in the cañon wall.

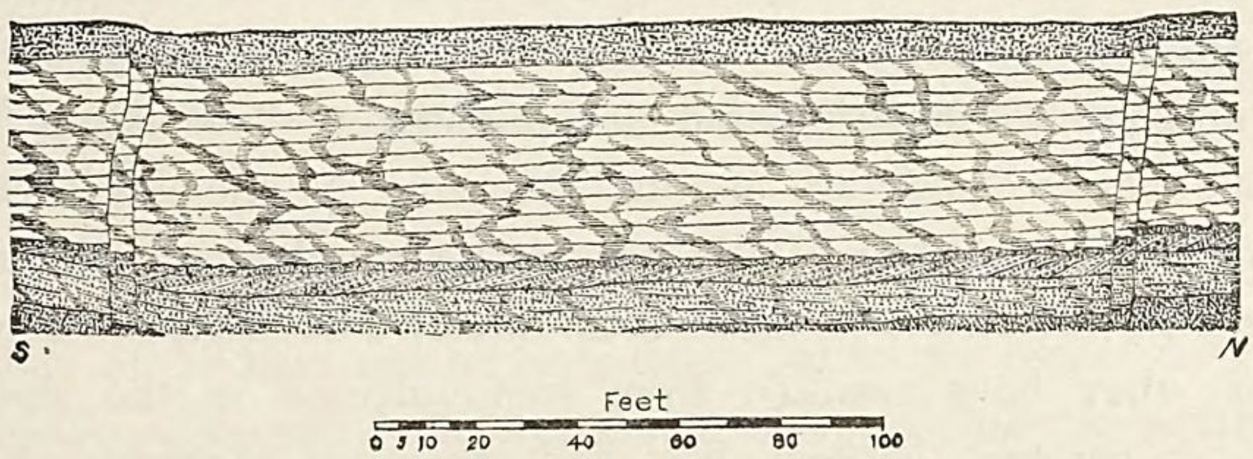


FIG. 26.—Faults in lacustral clays, Humboldt Cañon, Nevada.

This section includes the upper portion of the medial gravels, the upper clays, and the subaërial accumulations forming the surface of the desert.

In the walls of the Walker River Cañon, between Mason Valley and Walker Lake, there are many examples of faults which shear the lacustral deposits of the Lahontan series; two illustrations of the displacements there observed are given in Figs. A and B, Plate XXVIII. In the former, the actual fault is concealed by an alluvial slope, but the dip of the strata proves that it was formed previous to the deposition of the upper clays and probably before the medial gravels were accumulated. In the latter instance (Fig. B) the faulting occurred after the last rise of the ancient lake, and affected both the medial gravels and the upper clays. The inclination of the strata in the lower portion of this section is mainly due to their having been deposited in an inclined position. In this instance, as is usually the case in the faults we are considering, the general inclination of the beds due to deposition is but little disturbed. On Plate XVII, Fig. E, a number of faults belonging to the class we are considering are represented, which cut the stratified lapílli composing the ancient craters now occupied by the Soda Lakes near Ragtown, Nevada.

The faults noticed in the preceding paragraphs can only be studied to advantage when fresh sections of the Lahontan beds are exposed, and in

no instance is their presence indicated by a scarp crossing the surface of the deserts.

The existence of faults shearing unconsolidated strata of sand and clay can scarcely be accounted for by the hypothesis of tangential strain, as has so often been done in the case of displacements in older and more consolidated rocks, as these beds are still horizontal and have not been subjected to the pressure of superimposed accumulations. The strata on either side of the planes of fracture are undisturbed. As the displacements are local and unconnected with any general orographic movements and in some instances die out as we trace them downwards, it seems safe to conclude that they have resulted from some change in the strata themselves, as is perhaps the case also with the joints occurring in the same beds. The Lahontan sediments were water-laid and are now desiccated. It may be that the contraction produced on drying will be found a sufficient explanation of the faulting and jointing that has been observed. The drying of heterogeneous stratified beds must result in unequal contraction of the various members of the series, at the same time that the unequal desiccation of various portions of the basin would complicate the resultant stress. In the Lahontan basin changes of this nature have taken place and have been accomplished by jointing and faulting. That these facts stand in the relation of cause and effect, however, is but a provisional hypothesis.

STRUCTURE OF TERRACES AND EMBANKMENTS.

While describing the formation of terraces and sea-cliffs it was shown that the loose material occurring on lake shores is sometimes swept along by currents and deposited so as to form a horizontal shelf bounded by a steep scarp on the lakeward slope. Owing to the mode of its formation, the structure of such gravel-built terrace is necessarily irregular, but as a whole is characterized by oblique stratification, especially on its lakeward margin, and abounds in examples of current bedding. Its material varies from accumulations of bowlders, sometimes two or three feet in diameter, through all degrees of comminution to the finest of silt and marl, and is usually of a heterogeneous character, dependent on the nature of the rock

forming the lake shores. The general structural features of a built terrace are shown in the section inserted on page 151.

When a shore current bearing *débris* enters deep water, as illustrated by a simple instance on page 94, it commences the formation of an embankment, which is increased by the addition of gravel, sand, etc., in inclined strata at its end and along its sides. A cross-section of a regularly formed embankment should show a series of more or less perfect arches of deposition.

CONGLOMERATES AND BRECCIAS.

In many of the bars and terraces described in this report the gravel of which they are composed is firmly cemented by calcium carbonate into a compact conglomerate. A similar action has taken place in some of the alluvial slopes once submerged beneath the waters of the ancient lake, which at times has resulted in the formation of typical breccias. On the west shore of Pyramid Lake, near Mullen's Gap, the immediate lake margin is formed of sand and pebbles that have been consolidated into a firm conglomerate by the deposition of calcium carbonate. Similar beds were observed on Anaho Island and about the Needles at the northern end of the lake. In all these instances the conglomerate slopes lakewards at a low angle, sometimes amounting to ten degrees. This in all cases is evidently of a very recent date and in places is still being deposited. Although the youngest of the rock series, yet it is sufficiently consolidated to acquire a polish from the constant attrition of the sand that is washed over it and compact enough to be used for the ruder kinds of masonry. Similar conglomerates which appear also to be still in process of formation were observed on the shores of Walker, Winnemucca, and Mono lakes.

Breccias cemented by calcium carbonate are formed in alluvial slopes of the Great Basin above the limits of the Quaternary lakes. These deposits are usually less firm than the lacustral conglomerates, and frequently differ in the fact that the cementing material is accumulated most abundantly on the lower surfaces of the stones forming the deposit. The precipitation of calcic carbonate in the interstices of alluvial slopes apparently results from the evaporation of the percolating waters and the conse-

quent deposition of the salts held in solution, which act as a cement and sometimes change a loose *débris* heap to a compact conglomerate or breccia. Subaërial deposits of this nature are common throughout the arid region of the Far West.

OOLITIC SAND.

The presence of oolitic sand on the shore of Pyramid Lake has already been referred to in connection with the general description of the lake. This material is evidently now forming, and in places has been cemented into a compact oolite by the deposition of a paste of calcium carbonate between the grains, and forms irregular layers several inches in thickness that slope lakewards at a low angle. The oolitic grains composing the beach sands are frequently a quarter of an inch or more in diameter, and would, perhaps, more properly be designated as pisolite. When examined in thin sections under the microscope each grain is seen to be made up of a large number of concentric layers of calcium carbonate surrounding a particle of sand or other foreign body which furnished the original nucleus. The spherical form of the grains and the uniform thickness of the concentric layers evidently indicates that the kernels were in motion during the slow deposition of the concentric shells of which they are principally composed. Oolitic sands occur also at a number of localities near the base of the dendritic tufa, thus indicating that the conditions necessary for the formation of a deposit of this nature were then prevalent throughout the entire area covered by Lake Lahontan. That the chemical conditions favoring the formation of oolitic sands vary through wide limits is shown by the fact that they are now forming both in Pyramid Lake and in Great Salt Lake. The former contains less than half of one per cent. of solids in solution, while the latter has varied from over twenty-two to about thirteen per cent. during the past twenty years.[52]

SURFACE MARKINGS.

The surfaces of lacustrine deposits when laid bare and subject to desiccation become covered with a net-work of shrinkage cracks and are not infrequently impressed with the foot-prints of animals; sometimes, too, the

[52] See table of analyses at C, page 180.

muddy surfaces are pitted by falling rain-drops or covered with ripple marks. When the waters again cover such an area, all these records may be concealed beneath superimposed strata and thus preserved for an indefinite time. They are, in fact, as well suited to become fossilized as the records of a similar nature so common among the Triassic rocks of the Atlantic slope. The markings inscribed on the surfaces of lake beds are identical with many records that are made on the sands and mud along the ocean's shore, and if fossilized, would in themselves give no indication of the character of the water-body on the borders of which they were formed.

COLOR OF LACUSTRAL SEDIMENTS.

From the study of the Triassic, Old Red Sandstone, and other formations of Europe,[53] Professor Ramsay was led to the conclusion that sediments deposited in inland waters were usually iron-stained. The reverse of this conclusion would probably have been reached had lake deposits been first studied in the Great Basin, as all the lacustral beds in that region are light colored and seldom show more than a trace of the presence of iron. Some of the inclined beds in the Walker River section have a pink tinge, due to the presence of iron, while some of the contorted sands we have described have a yellowish color. These features, however, are inconspicuous and do not affect the statement that the sediment in question are a total exception to the rule referred to above.

RÉSUMÉ OF PHYSICAL HISTORY.

To arrive at a satisfactory understanding of the physical history of Lake Lahontan, as recorded in terraces, gravel embankments, deltas, sedimentary deposits, river channels, etc., it is necessary to combine our observations of these phenomena with the records of the chemical history of the lake as furnished by tufa deposits and desiccation products, with reference, also, to the present physiography of the basin. Before considering the

[53] "On the Physical Relations of the New Red Marls, etc.," Quarterly Journal of the Geological Society of London, Vol. XXVII, p. 189. Also: "On the Red Rocks of England of older date than the Trias." *ibid.*, p. 241.

chemical questions connected with the present study, it may be well to see how far our observations relating to the physical history of Lake Lahontan can be correlated.

The presence of vast alluvial slopes of pre-Lahontan date, on which the water-lines of the old lake are traced, leads to the conclusion that the climate of the region was arid for a long time previous to the first filling of the basin of which we have any definite record, viz., the earlier high-water stage of Lake Lahontan. The discussion of this question, however, falls more properly in the chapter devoted to the consideration of Quaternary climate. We assume, for the present, that a change from arid to more humid conditions caused the Lahontan basin to be filled to the level of the lithoid terrace, and to remain at that horizon long enough to enable its waves to excavate a broad shelf in the rocky shores. The terraces above the lithoid are of subsequent date, as is shown by the section of the higher water-lines given on page 103; as there indicated the lithoid terrace is frequently a shelf cut in the rock, on which rest the built terraces that define the Lahontan beach. At other localities the lithoid terrace is represented by gravel embankments that are overplaced by much smaller structures of the same character at the level of the highest water-line. Cumulative evidence of this nature shows that the lake lingered at the horizon of the lithoid terrace for a much longer time than at the higher levels. The lithoid terrace and the Lahontan beach thus record two independent high-water stages. The fluctuations of the lake during the interval between the formation of these water-lines cannot be determined from the physical records alone, but are not difficult to sketch, at least in outline, when the tufas that were precipitated from the waters of the lake are considered. Turning to the stratified beds accumulated in the lake basin, we find two series of fine lacustral sediments separated by a widely-spread sheet of water-worn and current-bedded sands and gravels which were evidently deposited in shallow water. This record of two lake periods, with a time intervening when the basin was at least as nearly desiccated as at the present day, is perhaps the most positive of all the chapters of Lahontan history. That the formation of these two deposits of lake sediments may be correlated in time with the formation of the

lithoid terrace and the Lahontan beach remains to be considered in connection with the chemical study of the lake.

The great number of water-lines scoring the interior of the Lahontan basin shows that the main changes in the history of the lake were accompanied by many minor fluctuations. The absence of an outlet renders it evident that the minor oscillations as well as the more permanent horizons recorded by the ancient terraces were due to climatic changes, the nature of which will be considered in a future chapter.

From this brief *résumé* it will be seen that the facts in the physical history of the lake can be correlated but imperfectly, yet give evidence that they have a definite sequence and are in fact fragments of a connected history. In the chemical studies which follow we shall be able to present some of the pages that are here missing and sketch the history of Lake Lahontan with greater completeness.

CHAPTER V.

CHEMICAL HISTORY OF LAKE LAHONTAN.

SECTION 1.—GENERAL CHEMISTRY OF NATURAL WATERS.

The investigation of the chemical history of a lake properly begins with the study of the meteoric waters that supply its hydrographic basin. Lakes are filled to some extent by direct precipitation from the atmosphere, but mainly by tributary streams and springs; it is evident, therefore, that we should look to these channels for the sources of the dissolved mineral matter which all lakes contain. It is true that lakes are sometimes formed by the isolation of portions of sea water, or may occur over beds of salt or other easily soluble rocks; but such cases are exceptional and their abnormal character easily accounted for.

RIVER WATER.

Even rain water and freshly fallen snow are not absolutely pure, but usually contain some organic and saline matter, together with carbonic acid, nitrogen, ammonia, chlorine, etc., which have been dissolved during their passage through the atmosphere. In an arid region, like the Great Basin, where the soil is commonly alkaline, and its surface frequently coated over large areas with saline efflorescences, the dust that is carried high in the air by the winds is richly charged with soluble salts which are dissolved by the falling rain, thus rendering it less pure than the meteoric waters of more humid regions. Rain water on reaching the earth dissolves the more soluble minerals with which it comes in contact, and becoming charged with carbon dioxide (carbonic acid), together with humic and crenic acids, and other organic products, it forms such an energetic solven

that but few substances can entirely resist its action. By the time the surface waters have united to form rills, they contain sufficient mineral and organic matter to have a complex chemical composition. On through their history, as they form brooks, creeks, and rivers, and finally merge with the ocean or some inland sea, they are constantly increasing their sum total of dissolved mineral matter, and are at the same time concentrated by evaporation. The waters of a river when filtered from all suspended matter and evaporated to dryness leave a solid residue which is the principal portion (the more volatile substances escaping) of the foreign matter held in solution. These waters are fresh in the every-day use of the term, but in fact owe their pleasant taste and, to a great extent, their health-giving qualities, to the mineral substances held in solution. In the following table the analyses of the waters of a number of American rivers are given, for the purpose of indicating what salts are contributed to lakes in greatest abundance by their tributaries. The principal impurities in nearly every instance are calcium and carbonic acid, probably combined in the waters as calcium bicarbonate; sometimes, however, calcium sulphate is in excess of any other salt, as in the case of the Jordan River, Utah. Surface waters derive their chemical impurities mainly from the rocks over which they flow, and consequently vary in composition with the geological character of their hydrographic basins. When draining a granitic or volcanic area they are usually rich in potash and soda; when flowing over limestone they are frequently saturated with calcium carbonate. This is illustrated in the Far West by the streams entering the Bonneville and Lahontan basins In the former they have their sources in the Wasatch Mountains where limestones occur, and are usually rich in calcium carbonate; potash is commonly absent, and soda, if present, is comparatively small in amount. In the Lahontan basin volcanic rocks predominate and the streams contain a higher percentage of potash and soda than is usual in a region underlain by sedimentary rocks.

By inspecting the table it will be seen, as stated above, that the most abundant of all the various substances carried in solution by the streams of this country is calcium carbonate. On averaging the amounts given in the tables we have 0.15044 part per thousand as the average of total solids,

and 0.056416 part per thousand as the average of the calcium carbonate contained in the waters of American rivers.

In a table of 48 analyses of European river waters given by Bischof,[54] the average of total solids is 0.2127, and the average of calcium carbonate 0.1139 part per thousand. From the analyses of 36 European river waters published by Roth,[55] including some of those tabulated by Bischof, we obtain 0.2033 part per thousand as the average of total solids; and 0.09598 parts per thousand as the average of calcium carbonate. In both American and European river waters, so far as can be determined from the data at hand, the average of total solids in solution is 0.1888, and the average of calcium carbonate 0.088765 part per thousand. These figures may be assumed to represent the average composition of normal rivers. It will be noticed that the average for calcium carbonate amounts to nearly one-half of that for total solids.

Knowing the volume of a stream and the percentage of mineral matter it holds in solution, we can ascertain the amount of dissolved matter that it contributes annually to the ocean or enclosed lake to which it is tributary. To one unfamiliar with such investigations the amount of solid matter thus annually transported in an invisible state from the land to the sea will appear truly astonishing.

The Thames at Kingston, as determined by the Royal Rivers Pollution Commission of Great Britain, has an average daily flow of 1,250,000,000 imperial gallons; the water contains of inorganic impurities 19, and of organic and volatile 1.68 grains per gallon. This is equivalent to 3,364,286 pounds, or 1,682 tons (of 2,000 pounds each), of inorganic matter daily; of this two-thirds, or 1,121 tons, are calcium carbonate, and 271 tons calcium sulphate.

The average flow of the Croton River, which supplies New York City, is 400,000,000 gallons daily, which contain 365,428 pounds; or nearly 183 tons of impurities; of these 47 tons are calcium carbonate.[56]

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[54] Chemical Geology, English edition, London, 1854, Vol. I, pp. 76 and 77.
[55] Chemical Geology, Berlin, 1879, Vol. I, pp. 456 and 457.
[56] Rep. American Public Health Association, Vol. I, p. 554.

The Hudson carries daily about 4,000 tons of matter in solution, of which more than 1,200 tons are calcium carbonate.[57]

The Mississippi, as determined by Humphreys and Abbot,[58] discharges annually 21,300,000,000,000 cubic feet of water; from the analyses of the water at New Orleans, by Dr. W. J. Jones,[59] we learn that the total of solids carried annually by the river amounts to 112,832,171 tons; of of which 50,158,161 tons are calcium carbonate. The amount of sediment transported by the river annually, as reported by Humphreys and Abbot, amounts to 887,500,000,000 pounds or 443,750,000 tons. The amount of solids, both in solution and suspension, carried annually to the sea, as determined from the data indicated above, is approximately 556,600,000 tons.

From the very incomplete observations on the discharge of the Humboldt River that have been made, we will assume 500 cubic feet, or, for convenience, 1,700 liters per second, as representing its average flow; each liter contains 0 3615 gram of solid matter in solution, which gives an annual transportation of about 18,000 tons; of this amount somewhat less than one-third, or approximately 5,000 tons, is calcium carbonate. In the same general manner we have estimated that the Carson, Truckee, and Walker rivers, collectively, transport annually about 10,000 tons of calcium carbonate. Not to overestimate we will assume that all the streams now entering the Lahontan basin carry annually 10,000 tons of calcium carbonate in solution. This estimate, although made on very imperfect data so far as the measurements of the streams are concerned, is certainly not too high, and enables one to understand whence the immense amount of calcium carbonate deposited in the form of tufa from the waters of Lake Lahontan was mainly derived.

SPRING WATER.

All the rain that falls does not find its way directly into the surface drainage, but a large portion sinks into the earth, and in many cases has a long underground passage before coming again to the light. During its subterranean course it takes an additional quantity of foreign matter into solution, and has its solvent power augmented by becoming more or less thoroughly charged with certain substances, such as carbon dioxide, which

[57] Report of the American Public Health Association, Vol. I, pp. 542–543.
[58] Report on the Mississippi River, p. 146.
[59] See Table of Analyses A.

act as solvents for many minerals otherwise not easily dissolved by water. Its solvent power is also augmented by the increase of temperature and pressure which it undergoes as it descends into the earth. The waters issuing as springs, frequently with a high temperature, are almost invariably found to have dissolved a great variety of mineral substances. In many instances the less soluble minerals occurring in spring waters are held in solution by the presence of carbon dioxide, or by high temperature or pressure. When such waters reach the surface they lose a large part of their dissolved gases, pressure is relieved, and they are rapidly cooled; the result is that much of the mineral matter they contain is deposited about the orifices through which they discharge. The substances most commonly precipitated under such conditions are calcium carbonate, oxides of iron and of manganese, calcium sulphate, and silica. Accumulations of these substances are frequently of great extent as may be amply illustrated in any of the hot-spring regions of the world. Only a portion of the dissolved matter brought to the surface by springs is thus deposited, however, and in many cases no immediate precipitation takes place. The waters, after losing their dissolved gases and becoming cooled, are usually much richer solutions than ordinary river waters, and, on joining the surface drainage, contribute large quantities of mineral matter to the neighboring streams. The solvent action of subterranean waters is frequently indicated by the porous and cellular character of certain rocks, as well as by the caves, frequently of vast size, that occur, especially in limestones.

The analyses of river waters in all ordinary instances must exhibit the combined result of the solvent action of both superficial and subterranean drainage. Springs frequently rise in the bottom of lakes or beneath the sea and thus contribute directly to the solutions with which rivers eventually mingle. In the case of inclosed lakes, the reaction of mineral waters, rising in dense saline solutions, is followed by interesting results, some of which will be considered in describing the tufa deposits of Lake Lahontan (*postea* page 221).

In illustration of the chemistry of natural waters we have compiled the following table (B) showing the composition of a few of the better known American springs and artesian wells; by comparison with Table A, the greater richness of subterranean waters over surface streams is at once apparent.

TABLE A.—*Analyses of American river waters.*

[Reduced to parts per 1,000 by Dr. H. J. Von Hoesen.]

Name of river	Bear	Croton	Cumberland,	Delaware.	Hudson, N. Y.	James	Los Angeles	Maumee, Ohio	Mississippi	Ottawa	Passaic	Rio Grande, del Norte.	Sacramento	St. Lawrence.	Humboldt	Truckee	Walker	Jordan	Mohawk	Genesee.
Collected at	Evanston, Wy.	Reservoir, N. Y.	Reservoir at Nashville, Tenn.	Reservoir at Trenton, N. J.		Richmond Water Works, Va.	Hydrant at Los Angeles, Cal.		Hydrant; city water works, New Orleans.	St. Ann's Lock, Montreal, Can.	4 miles above Newark, N. J.	Fort Craig, New Mexico.	Hydrant, Sacramento, Cal.	S. side, Point des Cascades.	Battle Mt., Nev.	Lake Tahoe, Nev.	Mason Valley, Nev.	Utah Lake	Utica, N. Y.	Rochester, N. Y.
Date	Dec., 1873	1881				Oct. 24, 1876, after light rain.	Sept. 8, 1878			Mar. 9, 1854	1851	1873	Sept., 1878	Mar. 30, 1863	Dec., 1872	Oct., 1872	Oct., 1872	Nov., 1873		
Analyst	F. W. Clarke	E. Waller	N. T. Lupton	H. Wurtz	C. F. Chandler	W. H. Taylor	W. J. Jones	C. F. Chandler	W. J. Jones	T. S. Hunt	E. N. Horsford	O. Loew	W. J. Jones	T. S. Hunt	T. M. Chatard.	F. W. Clarke.	F. W. Clarke.	F. W. Clarke.	C. F. Chandler	C. F. Chandler.
Reference	Bulletin No. 9, U. S. Geol. Survey, p. 30.	Water supply of New York City, 1881.	Am. Chemist, July 16, 1876, p. 16.	Geol. of N. J., 1868, p. 702.	Public Health Papers, Vol. I, Am. Pub. Health Ass.	Ann. Rept. Board of Health, Richmond, Va., 1876.	Rept. Cal. State Board Health, 1878.	Rept. of Toledo Water Works, 1881.	Rept. La. St. Board of Health, 18-2, p. 370.	Geol. of Canada, 1863, p. 567.	Geol. of N. J., 1868, p. 703.	U. S. Geog. Survey west 100th M., Vol. III, p. 576.	Rep Cal. State Board Health, 1878.	Geol. of Canada, 1863, p. 567.	*Ante*, p. 41	*Ante*, p. 42	*Ante*, p. 46	Bulletin No. 9, U. S. Geol. Surv., p. 29.	Johnson's Cyclopedia, Vol. IV.	Johnson's Cyclopedia, Vol. IV.
Sodium, Na	.0082	*.00298	.01032	.00072	.00243	.00244	.02968	.00162	.0310	.00239	.02357	.03220	.00200	.00513	.0467	.0073	.0318	.0178	.0036	.0044
Potassium, K		.00154	.00050	.00178	.00058	.00251		.00309		.00139	.00163	.00063		.00115	.0100	.0033	Trace.		.0009	.0023
Calcium, Ca	.0432	.00905	.02987	.01104	.02220	.01284	.01750	.02645	.0372	.00992	.01459	.01633	.01279	.03233	.0489	.0093	.0228	.0558	.0318	.0417
Magnesium, Mg	.0125	.00336	.00280	.00435	.00465	.00377	.02097	.00443		.00161	.00404	.00123	.00121	.00585	.0124	.0030	.0038	.0186	.0069	.00896
Chlorine, Cl	.0049	.00213	.00299	.00121	.00581	.00105	.01044	.00250	.0480	.00076	.03192	.03604		.00242	.0075	.0023	.0131	.0124	.0023	.0024
Carbonic acid, CO_2	†.0682	*.02248	.05727	.02552	.07278	.02954	.05635	.04438	.0383	.02255	.02634	.01025	.00887	.06836	†.1544	†.0287	†.0576	.0608	.0569	.0646
Sulphuric acid, SO_4	.0105	.00441	.00563	.00175	.01257	.00363	.05724	.01401		.00194	.01716	.04700	.00397	.00831	.0477	.0054	.0284	.1306	.0187	.0431
Phosphoric acid, HPO_4				.00172		Trace.	.02638			Trace.		Faint trace.	.01794	Trace.						
Nitric acid, NO_3			.00511			.00231						Trace.								
Silica, SiO_2	.0070	.03360	Trace.	.00852	.00698	.01024	.02005	.00724		.02060	}	Trace.	.03167	.03700	.0326	.0137	.0225	.0100	.0067	.0014
Alumina, Al_2O_3				} .00047	{	.00041	.00171			Trace.	.01342	Trace.	.00120	Trace.	.0013					
Sesquioxide of iron, Fe_2O_3					{			.00100			}	{								
Sesquioxides of iron and alumina, Fe_2O_3 and Al_2O_3		.00078	.00671		.00120														.0013	.0014
Sesquioxides of iron and manganese, Fe_2O_3 and Mn_2O_3						.00072														
Carbonates of iron and manganese, $FeCO_3$ and $MnCO_3$							.00443						.01088							
Oxide of iron, FeO										Trace.		Trace.		Trace.						
Oxide of manganese, MnO				Trace.						Trace.				Trace.						
Hydrogen in bicarbonates, H					.00121															
Chloride and sulphate of sodium, NaCl and $NaSO_4$													.02431							
Ammonia, NH_4				} .01087	{	.00001						Trace.								
Organic matter		.00400	.01666		.01197	.00299		.00499				.01392							.0234	.0250
Carbonates and sulphates of, Na, K and Mg									.0154											
	.1845	.08433	.13786	.06795	.14238	.07246	.24475	.10971	.1699	.06116	.13267	.15760	.11484	.16055	.3615	.0730	.1800	.3060	.1525	.19526

*Alkaline carbonates considered as sodium carbonates.

†Carbonic acid by difference.

TABLE B.—*Analyses of American spring waters.*

[Reduced to parts per 1,000 by Dr. H. J. Van Hoesen.]

Waters	Artesian well	Artesian well, "Glacier spouting spring."	Artesian well.*	Manitou Spring.	Opal Spring	Sulphur Spring	Hot Spring	Hot Spring	Boiling Spring.	Warm Spring.
Location	Lexington, Ky.	Saratoga, N. Y.	Sheboygan, Wis.	Manitou, Col.	Yellowstone National Park.	Los Angeles, Cal.	Hot Sp. Station, C. P. R. R.	Ward's Ranch, base of Granite Mts., Nev.	Shaffer's R'ch, Honey Lake Valley, Cal.	Warm Spring Sta., B. & B. R., Mono Basin.
Date		1872.	Feb., 1876							
Analyst	R. Peters	F. A. Cairns and C. F. Chandler.	C. F. Chandler	Oscar Loew	H. Leffman	Oscar Loew	T. M. Chatard.	T. M. Chatard.	T. M. Chatard.	T. M. Chatard.
References	Ky. Geol. Surv., N. S., Vol. V, p. 189.	Am. Chemist, Nov., 1872, p. 164.	Am. Chemist, 1876, p 370.	U. S. G. S. W. 100th M., Vol. III, p. 618.	U. S. Geol. and Geog. Survey Id., Wyo. Ter., 1878, p. 393.	An. Rep. U. S. G. S. W. 100th M., 1876, p. 195.	*Ante*, p. 49	*Ante*, p. 53	*Ante*, p. 51	Bulletin No. 9, U. S. Geol. Survey, p. 27.
Sodium, Na	.09227	4.72640	2.0398	.45164	.4615	.10424	.7743	.3554	.3040	.6116
Potassium, K	.00919	.35806	.1285	.05980		Trace.	.0669	.0191	.0094	.0630
Calcium, Ca	.02136	.94050	1.0739	.44400	.0344	.50600†	.0305	.0367	.0121	.0589
Magnesium, Mg	.01805	.53470	.2352	.05860			.0010	.0034	.0004	.0604
Barium, Ba		.01848	Trace.							
Strontium, St	Trace.‡	.00057								
Lithium, Li	Trace.	.01078	.0003	.00039		Trace.				
Iron, Fe	Trace.§	.00341	.0027	Trace.‖		Trace.				
Manganese, Mn			.0009			Trace.				
Chlorine, Cl	.07465	7.47400	4.2730	.24850	.7496	Trace.¶	.9697	.2396	.2070	.2272
Bromine, Br		.04661	.0025							
Iodine, I		.00060	Trace.							
Fluorine, Fl		Trace.**								
Carbonic acid, CO_3	.12160	5.82603	.1792	1.11001		.03516		Trace.		.5787
Sulphuric acid, SO_4	.03218	.00234	2.0318	.20696	.0325	.16140	.3555	.3901	.3492	.3131
Phosphoric acid, HPO_4	Trace.	.00005	.0004			Trace.				
Boracic acid, B_4O_7		Trace.	Trace.							
Alumina, Al_2O_3		.00770	.0022			Trace.	.0010			.0018
Silica, SiO_2	.00940	.01174	.0080	.02010	.7680	Trace.	.2788	.1136	.1310	.1220
Hydrogen in bicarbonates, H		.09713	.0030							
Organic substances	Trace.	Trace.	Trace.			Trace.				
Oxygen, O							.0194††	.0255††	.0080††	.0325††
	.37870	20.05910	9.9814	2.60000	2.0460	.80680	2.4953	1.1834	1.0211	2.0662
Carbonic acid, CO_2		2.015‡‡				In excess.			Trace.	
Sulphureted hydrogen, H_2S						.05000				

* Correction for specific gravity only approximate, as specific gravity was not given in original analyses.

† As carbonates.
‡ As carbonate.
§ As oxide.
‖ As carbonate.
¶ As sodium chloride.
** As fluoride of calcium.
†† Oxygen added to SiO_2 to form SiO_3 of Na_2SiO_3.
‡‡ Liters of gas thrown off per liter of water.

Face page 176.

niah Lake	Owen's Lake, Cal.	Pyramid Lake,† Nev.	Sevier Lake, Utah.	Walker Lake,‡ Nev.	Winnemucca Lake, Nev.	Van Lake...	Aral Sea.
1.155	1.051	.....	.....	1.003	1.001	.....	.....
.....chcock..	..... O. Loew	Aug., 1882. F.W.Clarke	1872..... O. Loew	Sept., 1882 F.W.Clarke	Aug., 1882 F. W. Clarke	..... Chancourtois	.....
tet Géo- gical Ex- loration f Dead ea, p. 284.	Appendix JJ Ann. Rep. Chief En- gineers, 1876, p. 190.	*Ante, pp.* 57 and 58.	U. S. Surv. W. 100 M., Vol. III, p. 114.	*Ante, p.* 70.	*Ante, p.* 63.	Bischof's Chemical Geology, Vol. I, p. 94.	Roth Chem- ical Geol- ogy, p. 465.
74.890	21.650	1.1796	28.840	.85535	1.2970	8.502§	2.4512
.....	2.751	.0733	.....	Trace.	.0686	.246	.0584
.....	.....	.....	.....	.....	.....	.....	.0022
.529	Trace.	.0089	.118	.02215	.0196	.....	.4581
2.914	Trace.	.0797	2.600	.03830	.0173	.157§	.5965
.....	Trace.	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	Trace.¶	.0008
119.496	13.440	1.4300	45.500	.58375	1.6934	5.693	3.8386
.....	.....	.....	.....	.....	.....	.....	.0029
.....	13.140	.4990**	.....	.47445**	.3458**	5.267§	.0918
7.671	9.362	.1822	9.345	.52000	.1333	2.555	3.3368
.....	Trace.	.....	.....	.....	.....	.....	.0011
.....	Trace.	.....	.....	.....	.....	.....	Trace.
.....	Trace.	.....	.....	.....	.....	.....	.....
.....	.164	.0334	.....	.00750	.0275	.180	.0032
.....	Trace.	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	Trace.
.....	Trace.	.....	.....	.....	.....	.....	Trace.
205.500	60.507	3.4861	86.403	2.50150	3.6025	22.600	10.8416

s peroxide. ** Carbonic acid by diffence.

To illustrate still further the complex character of the mineral matter impregnating spring waters, and at the same time to indicate the changes in composition to which springs are subject, we give below two analyses of the waters of the same spring collected at different seasons. The sample obtained in October was secured after a rain that followed a long dry period, and probably owes its greater richness to saline efflorescences accumulated in the interstices of the rocks during the arid season and redissolved by the percolating rain water:

Rockbridge Alum Spring No. 4, *Rockbridge County, Virginia.*[60] *Analyses by Prof. M. B. Hardin.*

[Reported in grains of anhydrous constituents in one U. S. gallon.]

Constituents.	Collected June 9, 1872.	Collected October 25, 1872.
Arsenic	.....	trace.
Antimony	.....	trace.
Lead sulphate	.....	trace.
Copper sulphate	0.00161	0.10370
Iron persulphate	trace.	2.90122
Iron protosulphate	0.87962	.....
Manganese sulphate	0.51527	1.37352
Nickel sulphate	0.05433	0.22371
Colbalt sulphate	0.03835	0.08124
Zinc sulphate	0.05225	0.21748
Aluminum sulphate	18.99905	72.37335
Calcium sulphate	0.35228	2.31527
Magnesium sulphate	1.50165	7.36110
Potassium sulphate	0.06278	0.17586
Sodium sulphate	0.00876	0.03463
Lithium sulphate	0.01790	0.03241
Free sulphuric acid	2.53866	3.06633
Silicic acid	1.92591	4.38346
Sodium chloride	0.14246	0.14246
Calcium phosphate	trace.	0.05174
Calcium fluoride	trace.	trace.
Ammonium nitrate	trace.	trace.
Organic matter	trace.	trace.
	27.09088	94.83748
Specific gravity at 60° Fahr	1.0004	1.00174
Cubic inches of gases in gallon of water:		
Carbon dioxide	not determined.	12.72
Oxygen	not determined.	1.64
Nitrogen	not determined.	4.12

Temperature of spring 54.5° Fahr.

Springs of even more complex composition than the example given above might be presented if desired; in fact, subterranean waters are so

[60] American Chemist, 1884, p. 247.

nearly a universal solvent that all known mineral substances may be expected to occur in them. The recently discovered elements caesium and rubidium were first obtained by Bunsen in the mineral waters of Durkheim and Baden-Baden. It is to be hoped that a more minute examination of the springs of this country may lead to a similar increase in our knowledge of the constituents of the earth.

OCEAN WATERS.

Rivers with their loads of mineral matter in solution, derived both from surface and subterranean drainage, commonly flow into the ocean and are evaporated. The water rising in invisible vapor from the ocean's surface is again condensed, and much of it falls on the land as snow, rain, and hail, thus completing the cycle of changes. The mineral matter contributed to the ocean in solution, together with the substances dissolved directly from the bottom and sides of the oceanic basins, remains when the waters evaporate, and tends to increase the salinity of the sea. The precipitation of mineral matter from the waters of the ocean or its assimilation during the growth of plants and animals need not be considered at this time.

The results of chemical investigations, particularly those of Forchhammer and the chemists of the Challenger Expedition, have shown that the composition of the total solids dissolved in sea water from all portions of the ocean—excepting in the immediate vicinity of the land or near the mouths of large rivers—and for all depths, is remarkably constant. Disregarding the presence of the rarer substances, Dittmar gives the average composition of the solids dissolved in sea water as follows:[61]

Chloride of sodium	77.758
Chloride of magnesium	10.878
Sulphate of magnesia	4.737
Sulphate of lime	3.600
Sulphate of potash	2.465
Bromide of magnesium	0.217
Carbonate of lime	0.345
Total salts	100.000

A table giving the composition of the waters of the ocean at many localities, as determined by Professor Forchhammer,[62] is introduced here for

[61] The Voyage of H. M. S. Challenger, Physics and Chemistry, Vol. I, p. 204.
[62] Philosophical Transactions of the Royal Society of London, Vol. CLV, p. 257.

comparison. It shows not only the average composition of the great bulk of the waters of the globe, but illustrates one of the most important stages in the history of natural waters.

Comparison of the means of all regions of the ocean (German Ocean, Kattegat, Baltic, Mediterranean, and Black Sea excepted).

[Expressed in parts per thousand.]

Region.	Chlorine.	Sulphuric acid.	Lime.	Magnesia.	All salts.
The Atlantic between the equator and N. lat. 30°	20.034	2.348	0.595	2.220	36.253
The Atlantic between N. lat. 30° and a line from the north point of Scotland to Newfoundland	19.828	2.389	0.607	2.201	35.932
The northernmost part of the Atlantic	19.518	2.310	0.528	2.160	35.391
The East Greenland current	19.458	2.329			35.278
Davis Straits and Baffin's Bay	18.379	2.208	0.510	2.064	33.281
The Atlantic between the equator and S. lat. 30°	20.150	2.419	0.586	2.203	36.553
The Atlantic between S. lat. 30° and a line from Cape Horn to the Cape of Good Hope.	19.376	2.313	0.556	2.160	35.038
The ocean between Africa, Borneo, and Malacca	18.670	2.247	0.557	2.055	33.868
The ocean between the southeast coast of Asia, the East Indian and Aleutic islands	18.462	2.207	0.563	2.027	33.506
The ocean between the Aleutic and the Society islands	19.495	2.276	0.571	2.156	35.219
The Patagonian cold-water current	18.804	2.215	0.541	2.076	33.966
The South Polar Sea	15.748	1.834	0.498	1.731	28.565
Mean	18.999	2.258	0.556	2.096	34.404

It is evidently difficult, if not impossible, to obtain an accurate average of the composition of the ocean in all latitudes and at all depths, but a convenient approximation to the truth may be reached The mean of 34.404 parts per thousand, given in the above table, is the result of a very large number of analyses, but includes regions of high northern and high southern latitude, where the sea must be somewhat affected by the melting of the great glaciers of these regions. It seems questionable, therefore, whether the mean given above is high enough to be taken as the average salinity of the ocean. Leaving out the analyses of the waters of Davis Strait and of the South Polar Seas, we obtain a general average of 35.101. From 134 analyses of waters from various parts of the open ocean, given in Roth's Chemical Geology, the general average of 34.957 parts per thousand was ob-

tained. Dittmar states [63] that of 160 analyses of sea water collected by the Challenger Expedition—

	Parts per thousand.
The lowest (from the southern part of the Indian Ocean, south of 66° S. lat.) contained	33.01
The greatest (from the middle of the North Atlantic, at about 23° N. lat.) contained	37.37
Average	35.19

In general, therefore, we may assume 3.5 per cent. as the average of total solids in sea water.

Besides chlorine, sulphuric acid, calcium, magnesium, and sodium, which make up $\frac{99}{100}$ of the total salts dissolved in the ocean, the investigations of Forchhammer and others have demonstrated the presence of 26 elements in solution, including bromine, iodine, flourine, phosphorus, silicon, boron, silver, gold, copper, lead, zinc, cobalt, nickel, iron, manganese, aluminium, magnesium, strontium and barium. Many of these are present in extremely small quantities, and have only been detected by the aid of the spectroscope; while the presence of others has been determined by indirect analysis. As methods of research become more refined, and larger bodies of water are dealt with, it is to be presumed that more of the elements entering into the composition of the earth will be found dissolved in the waters of the ocean.

The following comparison of the composition of ocean and river waters is from Roth's Chemical Geology; the figures represent the mean of a large number of analyses, and give percentages of total solids:

Constituents.	Ocean water.	River water.	River water in regard to *a*, *b*, and *c* only.
a. Carbonates	0.21	60.1	80
b. Sulphates	10.34	9.9	13
c. Chlorides	89.45	5.2	7
d. Other matter		24.8	

This comparison indicates the result of a very complicated series of changes, dependent upon both biological and chemical reactions, which occur when river waters are subjected to the process of concentration that

[63] Voyage of H. M. S. Challenger, Chemistry and Physics, Vol. I, p. 201.

takes place in the ocean. As shown in the table, the carbonates mostly disappear, the sulphates increase slightly in percentage, while chlorides (mostly common salt) become the characteristic ingredient.

WATERS OF INLAND SEAS.

When rivers empty into a basin that has no outlet, their waters are evaporated in the same manner as in the ocean, and both their mechanical and chemical impurities are left as additions to the filling of the depression. Examples of such areas of interior drainage are well known in various parts of the world. In southern Asia, the Caspian, Aral, Dead Sea, and many other saline lakes, are the evaporating basins for independent hydrographic areas. The region of the Sahara in northern Africa is also shut off from the general oceanic circulation, but, owing to the high mean temperature there prevalent, the surface waters are mostly dissipated before lakes are formed. In South America another basin situated in the elevated tablelands of Peru and Bolivia is without drainage to the ocean. In North America there are small areas of a similar nature in Mexico; but the typical example on this continent is furnished by the Great Basin. Many of the lakes and seas situated in these various interior basins are without outlet, and are highly charged with saline matter. In some instances the percentages of the most abundant salts have reached their points of saturation and precipitation is taking place. The greater density of many inclosed lakes as compared with the ocean is due to the fact that concentration has been greatest in the restricted basins The paucity of animal and plant life in most inclosed lakes has also some slight bearing on the problem.

To facilitate the comparison of the inclosed lakes of this country with similar waters elsewhere, we introduce a somewhat extended table of analyses of this class of lakes, embracing all within the United States the composition of which is known. This table includes the densest of natural waters and exhibits the extreme of a series that commenced with the nearly pure water formed by the condensation of atmospheric vapor.

When inclosed lakes were first studied it was quite naturally supposed that their usual saline condition could only be accounted for by assuming that they were isolated bodies of sea-water which had been shut off from

the general area by an elevation of the land. This hypothesis has been mostly abandoned, however, as one lake after another has been studied, until at the present time it is difficult, if not impossible, to point to a single lake, excepting perhaps the Caspian, having such a history. The origin of the salt lagoons found on so many shores is not here included, as their mode of formation is too obvious to admit of their being confounded with inland seas.

SUCCESSION OF SALTS DEPOSITED UPON EVAPORATION.

As already seen, inclosed lakes are constantly receiving additions from streams, springs, and rain, but do not overflow, their influx being counterbalanced by evaporation. This assures us that their percentage of saline matter must increase. This process continuing, a point is eventually reached when the waters are saturated with one or more of the more abundant salts and precipitation commences. Very simple experiments suffice to prove that waters of complex composition, when subject to slow evaporation, do not deposit their salts in a homogeneous mass, but in successive layers or strata of varying composition. As the order in which different salts are deposited varies with the composition of the waters, it is safe to say that in no two lakes is the succession of saline deposits formed on evaporation apt to be identical. Disregarding for the present the reactions of the various salts upon each other, it is evident that in the evaporation of natural brines the order in which the contained salts will be deposited is inversely as the order of their solubility. For example, a salt that requires a large amount of water for its solution, or, in other words, is sparingly soluble, will reach its point of saturation and commence to crystallize out, as evaporation progresses, previous to the deposition of a more soluble salt. To illustrate, it has been found that calcium carbonate requires about 10,000 times its weight of water, saturated with carbon dioxide, for its solution, while calcium chloride is very deliquescent and dissolves in nearly its own weight of water. In inclosed lakes to which streams are contributing these salts in equal quantities, and in which evaporation equals or exceeds the supply of fresh water, it is evident that the calcium carbonate would reach its point of saturation and commence to separate long before the waters had

become rich in calcium chloride. In fact, owing to its deliquescent nature, natural evaporation seldom proceeds far enough to cause the precipitation of the chloride. The early deposition of calcium carbonate when natural waters are evaporated is rendered the more certain for the reason that it is by far the most abundant salt found in surface waters.

The fact that various salts are deposited in a regular succession when mineral waters are evaporated, is of great service in securing certain ones in a pure state by the method of fractional crystallization. In evaporating the brines of Syracuse the precipitation of ferric oxide and calcium sulphate is first secured by moderate concentration; the water is then conducted to lower vats and evaporation is continued until the sodium chloride has mostly crystallized. The mother liquor, rich in magnesium and calcium, is then allowed to go to waste. In the Soda lakes near Ragtown, Nevada, sodium and calcium carbonates crystallize out as the mineral gaylussite, by the natural concentration of the waters; when evaporation is continued, the deposition of sodium sulphate and carbonate takes place previous to the crystallization of common salt.

On concentrating sea water it has been found that calcium carbonate is usually the first constituent to be precipitated. This salt is not always found when the waters of the ocean are analyzed, but may usually be detected when the sample examined is taken near shore. The quantity delivered to the ocean by the drainage of the land, seems to be almost exactly counterbalanced by its secretion in the tissues of animals and plants.

The separation of sodium sulphate, potassium chloride, and common salt from the mother liquor derived from the concentration of sea water, by alternate evaporation and cooling, is the principle of Balard's well-known process so largely used in the south of Europe. In Merel's modification of this process a low temperature is obtained artificially. When sea water is concentrated until its specific gravity is 1.24 (28°B.) it deposits about four-fifths of the common salt it originally contained; after adding 10 per cent. of fresh water to the mother liquor remaining, it is passed through a refrigerating machine and its temperature lowered to—18° C. The low temperature causes double decomposition to take place between the magnesium sulphate and the sodium chloride; sodium sulphate being deposited and the

magnesium chloride remaining in solution. The mother liquor still retains some common salt together with potassium chloride. The first of these is obtained by evaporating until the specific gravity of 1.33 (36°B.) is reached, which causes the deposition of nearly all the common salt; the remaining liquor is then conducted to shallow vats and allowed to cool; this causes the precipitation of the whole of the potassium as the double chloride of potassium and magnesium.[64]

The succession of chemical precipitates formed when sea water is evaporated has been succinctly described by M. Dieulafait, in the Popular Science Monthly,[65] from which we quote the following:

> First a very weak precipitation occurs of carbonate of lime with a trace of strontium, and of hydrated sesquioxide of iron, mingled with a slight proportion of manganese. The water then continues to evaporate, but remains perfectly limpid, without forming any other deposit than the one I have mentioned, till it has lost 80 per cent. of its original volume. It then begins to leave an abundant precipitate of perfectly crystallized sulphate of lime with two equivalents of water, or gypsum, identical in geometrical form and chemical composition with that of the gypsum-beds. This deposit continues until the water has lost 8 per cent. more of its original volume; then all precipitation ceases till 2 per cent. more of the original quantity of water has evaporated away. Then a new deposit begins, not of gypsum, but of chloride of sodium, or sea-salt. * * * The deposition of pure or commercial salt continues till the volume of the water has been again reduced by one-half, when a precipitation of sulphate of magnesia begins to take place with it. This continues, the two salts being deposited in equal quantities, till only 3 per cent. of the original quantity of water is left. Finally, when the water has been concentrated to 2 per cent., carnallite, or the double chloride of potassium and magnesium is deposited. Spontaneous evaporation cannot go much further. The residual mother-water will not dry up at the ordinary temperature even in the hottest regions of the globe; its chief constituent is chloride of magnesium. A body of sea-water, evaporated naturally, will then leave a series of deposits in which we will find, as we dig down, the following minerals in order: deliquescent salts, including chiefly chloride of magnesium; carnallite, or the double chloride of potassium and magnesium; mixed salts, including chloride of sodium and sulphate of magnesia; sea-salt, mixed with sulphate of magnesia; pure sea-salt; pure gypsum; weak deposits of carbonate of lime with sesquioxide of iron, etc.

The correspondence between the succession of salts formed by the evaporation of sea-water, and the succession found in many saline deposits now worked for rock salt, is of great interest, and no doubt explains the genesis of some saline deposits. It is not always necessary, however, in the explanation of the presence of salts in lenticular basins to assume that the deposits commenced with isolated portions of sea-water. On the contrary the study of inclosed basins indicates that deposits of this nature sometimes result from the long continued concentration of ordinary river-waters. The presence of salt or fresh water mollusks associated with saline

[64] Report of Juries: International Exhibition, 1862, Class II, pp. 48–54.

[65] October, 1882.

deposits, in some instances, gives evidence as to whether the beds in which they occur were precipitated from ocean or inland waters.

The precipitation of salts in inclosed lakes is still farther illustrated by Great Salt Lake, Utah, the composition of which in the years 1850, 1869, and 1873, is given in Table C. At the present time the lake is lower than in 1873, when the last analysis was made, but there is no reason to suppose that there has been any change in the salts with which the waters are charged. As in all inclosed lakes, the percentage of total salts in a given quantity of the brine changes as the waters rise and fall. To illustrate, the amount of saline matter contributed to Great Salt Lake during a single year, for example, is so small in comparison with the quantity which the lake holds in solution, and varies so little from year to year, that the composition of the residue obtained by evaporating a sample of the lake brine would remain practically constant for a long period, provided precipitation did not take place. The amount of water reaching the lake varies with the seasons, and also undergoes secular fluctuations, dependent on climatic changes, extending over a term of years. The brine is thus diluted when the lake is unusually full, and greatly concentrated when the lake is reduced abnormally by evaporation.

Owing to the large amount of sodium sulphate dissolved in the waters of Great Salt Lake, and since it is much more soluble in warm than in cold water, its precipitation takes place during cold weather. When the temperature rises it is redissolved. If the waters of the lake are cooled artificially to about 20° Fahrenheit, an abundant precipitation of flocculent sodium sulphate takes place. Each year, on the approach of cold weather, the waters of the lake lose their transparency and become cloudy and opalescent, owing to the precipitation of sodium sulphate in a state of minute subdivision. In the depth of winter the temperature of the atmosphere about the lake sometimes falls as low as —20° F. On these occasions sodium sulphate is precipitated in immense quantities and collects along the shores in thousands of tons. Nature has here anticipated Balard's process for obtaining sodium sulphate, and is carrying on the operation on a grand scale.

From the analyses of the tributary streams we know that large quantities of calcium carbonate are contributed to Great Salt Lake in solution; but the chemist fails to find this salt in the brine itself. The extreme scarcity of animal and plant life in the waters shows that it could not be removed by organic agencies; it must, therefore, either be precipitated or perhaps in part decomposed and changed to the chloride. The very small percentage of calcium in the lake, however, is sufficient proof that this element must have been precipitated, probably as the carbonate, when the river and lake waters were mingled The presence of large quantities of oolitic sand along the shores of the lake, which is apparently still in process of formation, is strong evidence in support of this hypothesis. This lake furnishes a typical instance of the concentration of ordinary meteoric waters by evaporation. We may conclude, therefore, from this and other instances which might be enumerated, that in inclosed lakes, as in the ocean, calcium carbonate will be the first salt precipitated as evaporation progresses.

Great Salt Lake is now so concentrated that the crystallization of common salt is taking place in certain portions where the water is shallow. Over hundreds of acres along its southwest border the bottom is covered with a continuous crust of salt crystals, forming a pavement sufficiently strong to support a horse and rider. This condition was observed during the arid season; whether the salt is redissolved during the rainy season or not, has not been determined. From the observations recorded above we learn that precipitation is now taking place in three separate ways in the waters of a single lake; (*a*) calcium carbonate is thrown down, probably throughout the year, as the tributary streams mingle with the brine of the lake; (*b*) sodium sulphate is precipitated in all portions of the lake when its temperature falls below 20° F.; (*c*) sodium chloride crystallizes in the very shallow portions during the arid season. An example of this nature teaches that a stratified saline deposit might form in an inclosed basin as a result of fractional crystallization dependent upon changes of temperature. The deposits found in the smaller of the Soda Lakes at Ragtown, Nevada (see page 79), apparently illustrate such an occurrence.

DEPOSITION OF CALCIUM CARBONATE.

In considering the natural methods by which calcium carbonate is precipitated from solution, we have, as preliminary data, that this salt is more abundant than any other in ordinary surface waters, constituting, usually, nearly one-half of the total of solids in solution in average rivers; that it is the first to be precipitated when such waters are evaporated; and that calcium ordinarily exists in solution as the bicarbonate, $CaO\ CO_2$, the presence of free carbon dioxide (carbonic acid) being essential for its solution.

Under the conditions prevalent in nature it is evident, from the elementary laws of chemistry, that the precipitation of calcium carbonate may take place in at least three ways: (*a*) By evaporation, concentration being carried beyond the point of saturation. (*b*) By the loss of the carbon dioxide necessary to hold the salt in solution. This gas escapes when pressure is removed or temperature increased; it passes off gradually when carbonated waters are exposed to the air, especially if agitated, as in the spray of water-falls and in breaking waves. (*c*) By chemical reaction, as when an alkaline carbonate is added to water holding calcium chloride in solution. Of these three methods we need to consider at this time only the results of concentration and loss of carbon dioxide; as dissolved gases are driven off during evaporation, these two methods act together. So far as the chemistry of inclosed lakes is concerned it is evident that the precipitation of calcium carbonate must depend almost entirely on concentration by evaporation; chemical reaction may in certain cases play an important part, as when a spring holding $CaO\ CO_2$ rises in an alkaline lake; but, in general, the conditions under which a number of salts may exist in a solution is too little known to warrant one in ascribing a reaction to this cause when it may be more simply explained as a result of evaporation.

With this elementary sketch of the chemistry of natural waters we will proceed with our study of the history of Lake Lahontan.

SECTION 2.—CHEMICAL DEPOSITS OF LAKE LAHONTAN.

In commencing the study of the chemical precipitates of Lake Lahontan, we have for our guidance the fact that the rivers now entering the basin flow through the same channels that they occupied during the Quaternary, and that many of the springs which rose in the bottom of the former lake are still active. The salts contributed to the former lake were, therefore, of essentially the same nature as those now being carried into the basin. From these data and a knowledge of the composition of the present lakes of the basin, it is evident that at least the general chemistry of the waters of the former lake may be inferred. Providing that no salts were deposited in the basin during an antecedent period of desiccation, it is evident from the character of the inflowing waters, that during its first rise Lake Lahontan was a fresh-water lake, with about the normal percentage of calcium carbonate but richer in sodium salts than is common with ordinary lakes in regions where stratified rocks abound. We need to qualify this statement, perhaps, for the reason that the lake rose slowly, owing to a gradual change from arid to more humid conditions, and became somewhat concentrated during its gradual increase. At the time of its first maximum it must have been somewhat more highly charged with mineral matter than is usually present in lakes with outlet. Should a climatic change take place which would allow Pyramid Lake to expand at such a rate that at the end of a hundred years, for example, it would be 900 feet deep, *i. e.*, refill the Lahontan basin, it would form a fresh-water lake in which the chemist could detect a somewhat greater percentage of saline matter than occurs in the Laurentian lakes; but to the taste it would appear as fresh as ordinary river waters. Such, we conceive, was the nature of Lake Lahontan at its first rise.

From our knowledge of the chemistry of natural waters we should expect that calcium carbonate would be the first precipitate formed as the waters of Lake Lahontan were concentrated, and should evaporation and precipitation balance each other for a considerable time, an immense deposit of this salt would be accumulated. If loss and supply were balanced

TUFA CRAG AT ALKALI SPRINGS, NEVADA, SHOWING SUCCESSIVE STAGES

CHEMICAL DEPOSITS OF LAKE LAHONTAN.

In concluding the study of the chemical precipitates of Lake Lahontan we have to call attention the fact that the rivers now entering the basin flow through the same channels that they occupied during the Quaternary, and that many of the springs which rose in the bottom of the former lake are still active. The salts contributed to the former lake were, therefore, at essentially the same nature as those now being carried into the basin. From these data and a knowledge of the composition of the present lakes of the basin, it is evident that at least the general chemistry of the waters of the former lake may be inferred. Providing that no salts were deposited in the basin during an antecedent period of desiccation, it is evident, from the character of the inflowing waters, that during its first rise Lake Lahontan was a fresh-water lake, with about the normal percentage of calcium carbonate but richer in sodium salts than is common in ordinary lakes in regions where stratified rocks abound. We need to qualify this statement, perhaps, for the reason that the lake rose slowly, owing to a gradual change from arid to more humid conditions, and became somewhat concentrated during its gradual increase. At the time of its first maximum it must have been somewhat more highly charged with mineral matter than is usually present in lakes with outlet. Should a climatic change take place which would allow Pyramid Lake to expand at such a rate that at the end of a hundred years, for example, it would be 100 feet deep, *i. e.*, refill the Lahontan basin, it would form a fresh-water lake in which the chemist could detect a somewhat greater percentage of saline matter than occurs in the Laurentian lakes; but to the taste it would appear as fresh as ordinary river waters. Such, we conceive, was the nature of Lake Lahontan at its first rise.

From our knowledge of the chemistry of natural waters we should expect that calcium carbonate would be the first precipitate formed as the waters of Lake Lahontan were concentrated, and should evaporation and precipitation balance each other for a considerable time, an immense deposit of this salt would be accumulated. If loss and supply were balanced

TUFA CRAG AT ALLEN'S SPRINGS, NEVADA, SHOWING SUCCESSIVE DEPOSITS.

for a long period, or if evaporation were to exceed supply, we should expect that other salts would be deposited in a definite succession. The probable composition of the waters of Lake Lahontan, if a single evaporation is considered, indicates that, as concentration took place, the dissolved salts would be deposited, with some intermixture it is true, but mainly in the following order: (1) Calcium carbonate; (2) calcium sulphate; (3) sodium sulphate; (4) sodium carbonate; (5) sodium chloride, followed by the precipitation of the more deliquescent salts In nature, however, this order would be altered by fluctuations of temperature, variations in density, and other disturbing conditions. Should the desiccation be incomplete the remaining waters would form a dense mother-liquor, rich in magnesia, potash, and soda, and containing some of the less common substances, as lithium, boracic acid, etc.

On entering the Lahontan basin—which, as we know, never overflowed—with this theoretical history before us, we are surprised to find that, with the exception of immense deposits of calcium carbonate, there are no accumulations of saline precipitates to be seen. Moreover, the water-bodies now occupying the lowest depressions in the bed of the former lake, are not dense mother-liquors, but, on the contrary, contain even less than half of one per cent. of total solids in solution. It is evident, therefore, that the history we are endeavoring to trace is an exception to the rule sketched above, which seemed self evident when considered in a theoretical way. As we proceed we hope to explain this apparent anomaly, at least in part.

CALCAREOUS TUFA.

The deposits of calcium carbonate occurring in the Lahontan basin are most abundant in the valleys where the former lake was deepest, and are usually inconspicuous or, perhaps, entirely wanting in places where the waters were shallow. The best localities for the study of these chemically formed rocks are on the borders of the Carson Desert and about the shores of Pyramid and Winnemucca lakes. The steep rocky sides of these secondary basins, and the isolated buttes occurring in them, seem to have been

especially favorable for the deposition and preservation of calcareous deposits. The tufa frequently forms a sheathing 50 or 60 feet thick upon the older rocks; at other times it assumes the form of domes and castellated masses that in some cases rise a hundred feet above the nuclei about which crystallization first took place. Of all such localities in the basin the most remarkable are the Marble Buttes at the southern, and the Needles at the northern end of Pyramid Lake; Anaho and Pyramid islands are also loaded with immense accumulations of tufa, and are points of special attraction to the student of chemical geology.

Early in the examination of these deposits it was found that they occur in definite layers, and form a well-defined sequence in which three main divisions, together with many minor variations, may be easily traced Classifying the major divisions according to the structure of the rock, beginning with the first formed, we have: (1) Lithoid tufa; (2) Thinolitic tufa; (3) Dendritic tufa.

LITHOID TUFA.

We have applied this name to the first of the three main deposits of calcium carbonate precipitated from the waters of Lake Lahontan. It is compact and stony in structure, light yellowish gray in color, and weathers into forms of extreme ruggedness. It frequently shows a concentric and sometimes a well-marked tubular structure when seen in cross-section, but when forming a coating to rock surfaces it is usually composed of thin, superimposed layers. In well-exposed sections of lithoid tufa the banded structure of the deposit is often distinctly marked, and at times, particularly near the base of the deposit, or near the center of the dome-shaped masses occurring in isolated positions, the layers of tufa having a compact stony structure are separated by others of dendritic tufa, the character of which will be described a few pages farther on. Viewed externally, the coatings of this variety of tufa on cliffs and buttes appear to be formed of comb-like masses, imbricated in such a manner as to resemble a massive thatch. This appearance can only be seen to advantage above the limit of the more recent tufas; it is especially well displayed on the upper portions of Anaho Island and the Marble Buttes. Much of the gravel forming the prelacustral alluvial slopes of the Lahontan basin, as well as that composing the earlier-

formed terraces and embankments, is cemented by it into a compact conglomerate.

Lithoid tufa is found nearly everywhere throughout the valleys formerly occupied by Lake Lahontan, where the conditions for its deposition and preservation were favorable. In vertical range it occurs from the lowest part of the basin now open to inspection, up to a horizon about thirty feet below the highest of the ancient beaches. The broad wave-cut shelf, which, so far as can be determined, is the upper limit of this variety, we have called the Lithoid terrace (see page101). At its upper limit this tufa is seldom more than eight or ten inches in thickness, as it remains to-day after a long period of weathering; but lower in the basin it attains a thickness of ten or twelve feet; what its maximum development may be is difficult to determine, as its base is nearly always concealed by lacustral deposits or later formed tufas.

The surface of the lithoid tufa when exposed by the removal of the sheathing of thinolite crystals that usually covers it below the horizon of

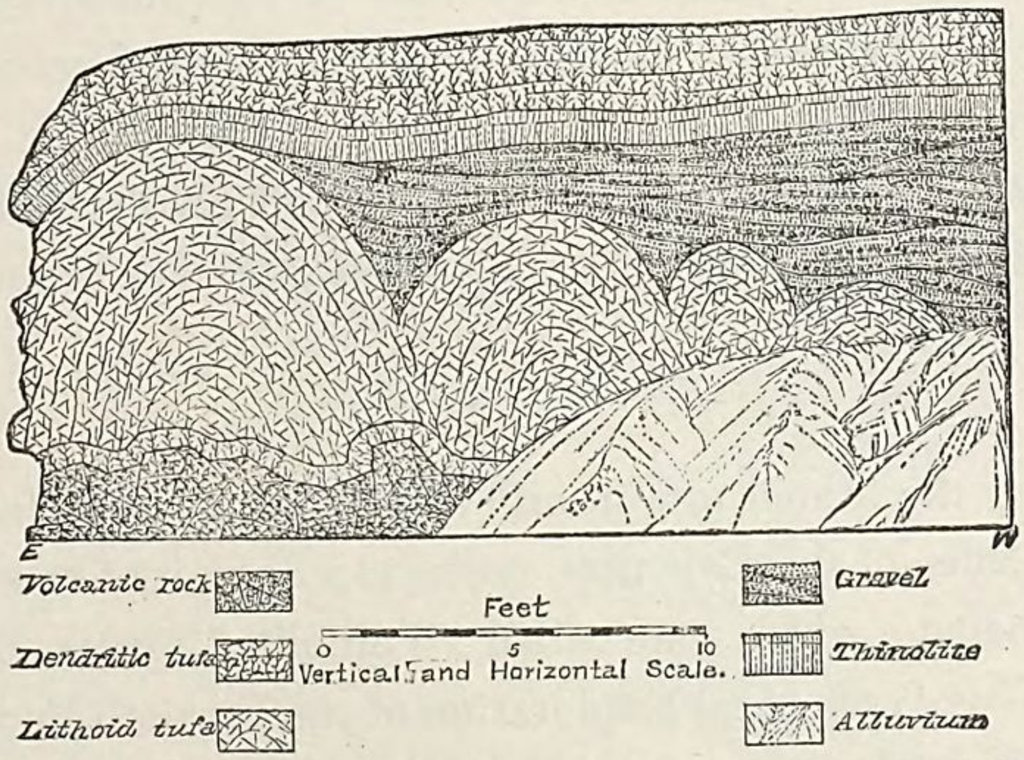

FIG. 27.—Section showing current-bedded gravels between lithoid and thinolite tufa.

the thinolite terrace, sometimes shows the effect of weathering which took place previous to the deposition of the second formed variety. In places the two layers are separated by a deposit of pebbles two or three feet in thickness, united by a calcareous cement, or by current-bedded gravels, as shown in the following drawing of a section exposed at the eastern base of the Marble Buttes. In some instances stones and pebbles were carried

upwards by the action of sub-lacustral springs about which tufa was being deposited, and became inclosed in the calcium carbonate as it was precipitated; this occurrence is not to be mistaken, however, for the partings of current-bedded gravel described above, which must have been deposited by waves and currents in shallow water. The weathering of the lithoid tufa is not always apparent, but has been observed in a number of instances, and can only be interpreted on the suppostion that the first-formed tufa was exposed to subaërial erosion by a lowering of the lake previous to the deposition of the thinolite crystals. The surface of the lithoid tufa above the upper limit of thinolite is weathered to a much greater extent than below that horizon, indicating that its erosion continued throughout the low-water stage during which thinolite was forming.

The lithoid tufa of the Lahontan basin is identical in structure and general appearance with the greater part of the tufa deposited in Lake Bonneville, and has essentially the same chemical composition. It is also represented on a limited scale in a number of the minor Quaternary lake basins of Utah and Nevada. Similar deposits are now forming in Pyramid, Walker, and Winnemucca lakes, as described in Chapter III. It is evident that this variety of tufa corresponds in all respects with the first calcareous deposit precipitated when ordinary meteoric waters are evaporated.

THINOLITIC TUFA.

Succeeding the lithoid tufa in order of deposition, and forming another coating on the sides of the Lahontan basin, is a deposit of interlaced crystals of calcium carbonate, which were called "Thinolite" by Mr. King.[66] In the reports of the U. S. Geological Exploration of the Fortieth Parallel, however, this term is used to designate any of the calcareous deposits of the ancient lake, whether crystallized or not. In the present report we restrict the name to the variety of tufa exhibiting a definite crystalline structure, presently to be described. We may remark, in passing, that no crystals having a resemblance to thinolite have been found in the Bonneville basin; nearly all the calcium carbonate there deposited is of the character of lithoid tufa, as

[66] U. S. Geological Exploration of the Fortieth Parallel. Washington, 1878, Vol. I, p. 517.

WATER SURFACE ON LAKE LAHONTAN AT THE THINOLITE STAGE.

Scale, 29 miles = 1 inch

0 5 10 15 20 25 50 75 100

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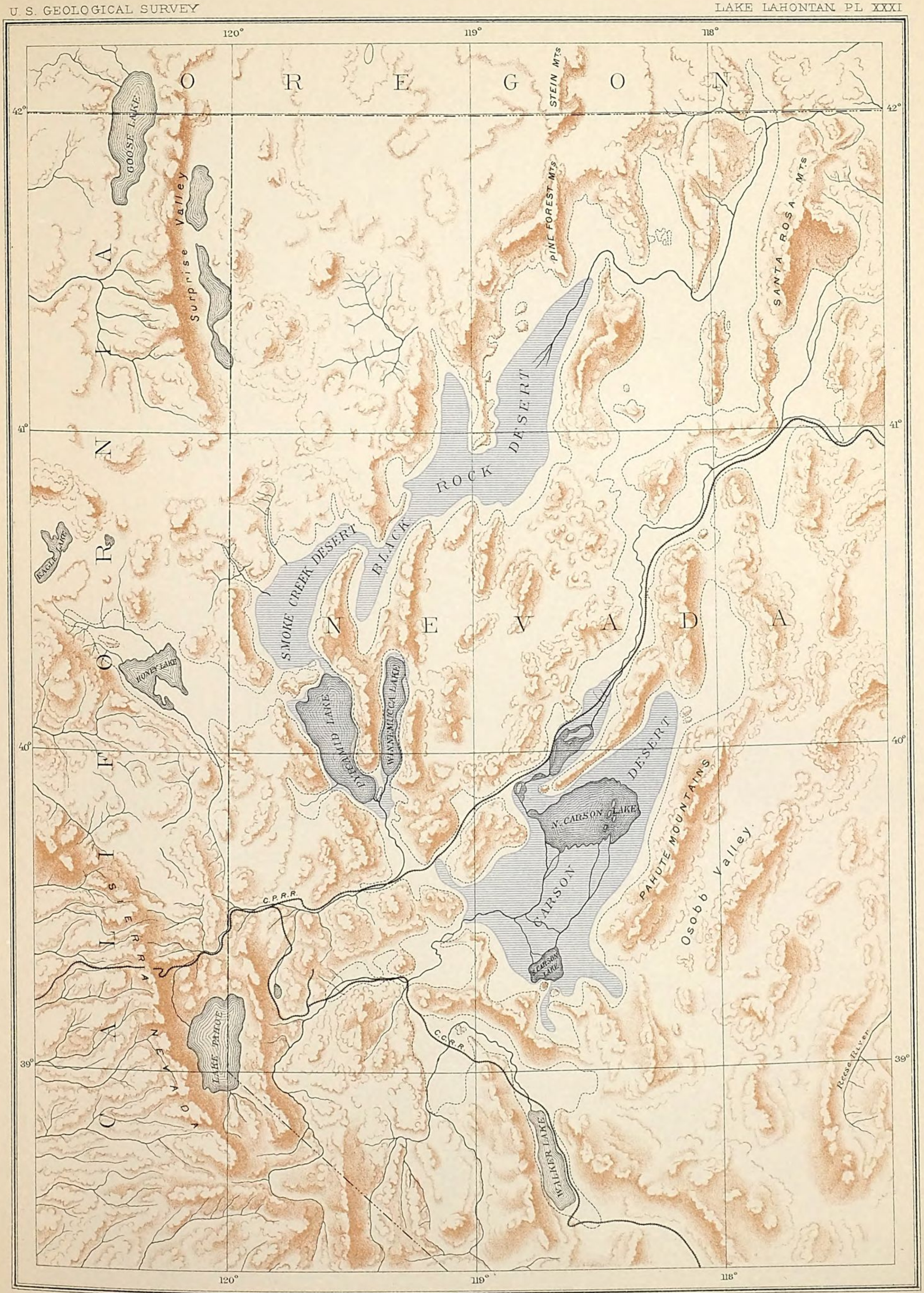


Julius Bien & Co. Lith.

WATER SURFACE ON LAKE LAHONTAN AT THE THINOLITE STAGE.

Scale: 29 miles = 1 inch

0 5 10 15 20 25 50 75 100

stated in the preceding paragraph. In a few instances, however, a dendritic structure may be detected; as is the case, also, in the lithoid deposits of the lake we are now studying.

In the Lahontan basin thinolite crystals are only found in the lowest depressions, as, for example, about the shores of Pyramid and Winnemucca lakes and on the borders of the Carson Desert. Its geographical extent, as shown on the accompanying map, embraces the Carson Desert, the valleys of Pyramid and Winnemucca lakes, together with the Black Rock and Smoke Creek deserts. The divide between Carson Desert and the valley in which Pyramid Lake is situated, is higher than the upper limit of the thinolite tufa; we must conclude, therefore, that when Lake Lahontan evaporated away sufficiently to admit of the formation of thinolite—or of the crystals after which it is a pseudomorph—the water-surface was below the level of the pass to the eastward of Wadsworth, and the lake consequently, divided into at least two water-bodies. On the preliminary map of Lake Lahontan, published by the writer in the Third Annual Report of the U. S. Geological Survey, the lake at its thinolite stage is represented as extending through from the Carson Desert to Pyramid Lake; this error has been corrected on the accompanying map. It was also indicated on the previous map, that Smoke Creek and Black Rock deserts were without thinolite deposits; later observations have shown that they do occur in large masses at certain localities on the borders of these basins, with the same general relations to the other tufa deposits that they have in the most typical localities.

The valley of Walker Lake must also have formed an independent water-body during the thinolite stage of Lake Lahontan, but no crystals belonging to this period of the lake's history have been found in that basin. As will be described later, there are masses of thinolite about Walker Lake corresponding to quite recent deposits of the same mineral in the Black Rock Desert.

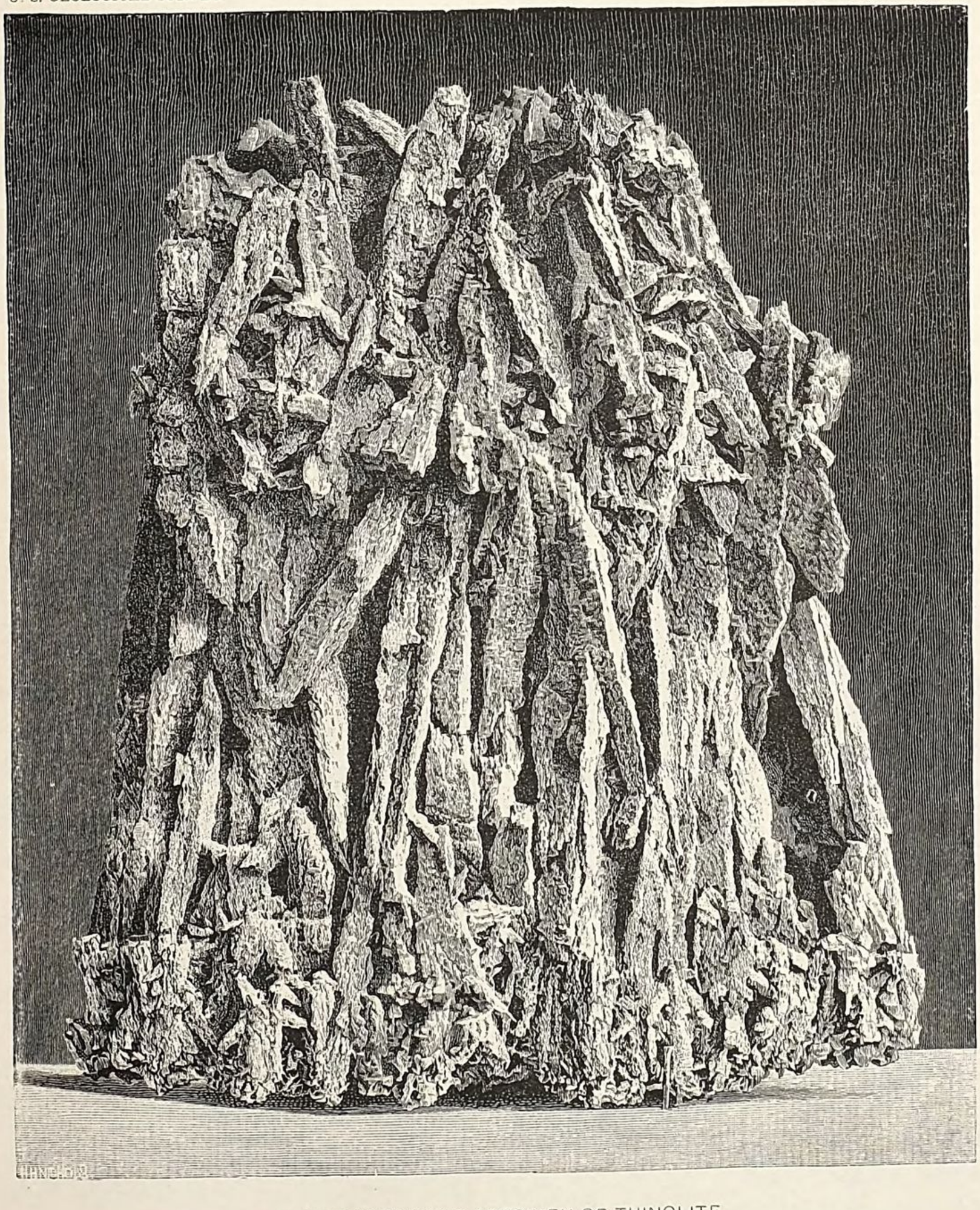
In its vertical range the thinolite is limited by the broad shelf, named the thinolite terrace, which occurs at an elevation of 110 feet above the 1882 level of Pyramid Lake. In only a single instance has the thinolite been observed to extend above this horizon. On Anaho Island the terrace

is strongly curved and forms a conspicuous feature in the contour of the island when seen from a distance; on the northern side of the island the thinolite tufa extends about 15 feet above the water-line of the terrace and forms a thin wedge of interlaced crystals included between the lithoid tufa and the heavy deposit of dendritic tufa. The upper limit of the thinolite probably varies in the several basins in which it occurs, but no accurate measurements of differences of level have been made.

The sheathing of thinolite extends from the lithoid terrace down to the lowest point in the bottom of the basin now open to inspection. Near its upper limit it is from 6 to 8 feet thick, but increases to 10 or 12 feet near the surface of Pyramid Lake. Like the lithoid tufa it was deposited in successive layers, as is shown by its banded structure. Throughout the mass we find definite layers or zones of small and large crystals alternating with each other. Near its outer limit the bands of crystals are divided by narrow layers of sheets of dendritic tufa; indicating that the condition of crystallization were alternately favorable for the production of the crystalline or the dendritic structure. The circumstances favorable for the formation of the latter finally prevailed, and only dendritic tufa was deposited.

PROFESSOR DANA'S CRYSTALLOGRAPHIC STUDY OF THINOLITE.

While carrying on the field study of Lake Lahontan, large quantities of the different varieties of tufa were collected, and special attention given to securing as many specimens as could well be desired for illustrating the structure and mode of occurrence of thinolite. A representative portion of this collection, together with similar material from the Mono Lake basin, was placed in the hands of Profs. G. J. Brush and E. S. Dana for the purpose of obtaining an authoritative statement of the mineralogical relations of thinolite. This study was finally undertaken by Professor Dana, whose report forms Bulletin No. 12 of the publications of this Survey. To the student of Lahontan history this report is especially welcome as it clears away the previous hypothesis, advanced by King, to the effect that thinolite is a pseudomorph after gaylussite. The following description of thinolite is quoted with slight verbal alterations from Professor Dana's bulle-



A CHARACTERISTIC SPECIMEN OF THINOLITE.

tin[67] to which the reader should refer for a more complete elucidation of the subject.

In general it may be said that the thinolite collected from different localities, both in the basin of Lake Lahontan and of Mono Lake, while varying widely in external aspect, is yet remarkably uniform in all essential characters. It is thus established beyond question that the original mineral deposited was throughout the same, although, in consequence of the varied conditions to which it has been subjected, the forms resulting from its alteration are very diverse. Thus, in some specimens there is only a delicate skeleton remaining, the whole consisting of thin plates, held together in their parallel position by a slight central frame-work, while in others the whole is as firm and compact as a crystalline limestone, and between the two extremes many interesting varieties occur. The most important condition upon which this difference depends is the varying extent to which a deposition of calcium carbonate has taken place subsequent to the first alteration of the original mineral.

As has already been stated, the thinolite is most characteristically developed about Pyramid Lake. The writer has had in hand specimens from the Marble Buttes, from the Needles, from Anaho Island, and from the Domes, and, as they illustrate well the different varieties, it will be convenient to refer to them by localities, although no special significance is probably to be attached to the particular spot from which the individual specimens were collected.

The delicate, open, porous variety of thinolite is best shown in the specimens from the Marble Buttes, of which illustrations are given in Plates XXXII and in Fig. 1 of Plate XXXIII. The external form of the crystals is roughly that of a rectangular prism, with projecting edges and generally tapering toward the extremities. The color is gray to brown. These crystals are commonly from a quarter of an inch to an inch in diameter and up to 8 or 10 inches or more in length. They are generally grouped in a more or less closely parallel position, often compactly, with only very little interlacing. In other cases, especially when the forms are

[67] Page 15, et seq.—The numbers referring to Plates in this quotation have been changed so as to denote their position in the present volume.

smaller, they have widely divergent positions, interpenetrating each other, and giving a large mass an open, reticulated appearance. In addition to the elongated crystals, numerous smaller ones, half an inch or an inch in length, make up parts of these masses, projecting from the sides of the larger crystals and forming divergent groups among themselves. The small crystals have generally the form of an acute pyramid, and are sometimes square in outline, sometimes rhombic; the sides are usually concave, and the edges project sharply. The exterior surface of the larger crystals is rough and open, often with a delicate mossy covering, and the whole crystal is porous throughout, as if eaten out so as to leave only a skeleton behind. Upon a superficial examination no regularity in the structure is evident, but on looking more closely it is seen that the apparently rough and irregular surface is made up of portions of thin plates, each set parallel to the sides of the crystal and uniformly converging in one direction. Thus when one of the groups of nearly parallel crystals is viewed end on, from one extremity or the other, it is seen that the edges of the plates, irregular as they are in outline, are all presented to view at once, as if each crystal, though prismatic in general outline, were made up of a series of acute skeleton pyramids, hopper-like in form, placed one within another. Still further, when the section produced by the cross-fracture of one of these elongated crystals is examined, there is seen, more or less distinctly, a series of apparently rectangular ribs forming concentric squares or rectangles, with diagonal ribs joining the opposite angles.

The specimens in hand from the Needles, Pyramid Lake, correspond closely with those which have been described, though hardly showing the structure so clearly. This is also true of some of those from Anaho Island. The majority from the latter locality, however, are much more firm and compact. Here, too, the crystals are usually elongated, and in a single specimen grouped in nearly parallel position. The edges of the plates are also commonly distinct on the sides, and show the same convergence toward one extremity. The masses, however, instead of being open and porous, and consequently light in the hand, are close, compact, and heavy. Instead of the delicate, open skeleton, with fretted surface, seen in the cross-fracture, the section is nearly solid, and sparkles with the reflection from the cleavage

Explanation of Plate XXXIII.

Fig. 1. Group of thinolite crystals from Marble Buttes, Pyramid Lake (reduced one-half); open porous variety.

Figs. 2 and 3. Transverse sections, natural size; Fig. 2, open skeleton form; Fig. 3, partially filled up with amorphous $CaCO_3$. These sections show the system of rectangular (square) and diagonal ribs, which consist of granular crystalline $CaCO_3$.

Fig. 4. External appearance (reduced one-half) of a single crystal, with part of a second, the internal structure of which shows that it has but a single termination; the comparatively smooth surface is due to the secondary deposition of $CaCO_3$.

Fig. 5. Longitudinal section of open variety (reduced one-half), showing the two systems of plates converging upward at an angle of about 35°.

Fig. 6. Complete crystal (reduced one-half) which yielded the section in Fig. 2; the line in which the section was made is indicated.

Fig. 7. Acute pyramidal crystal (reduced one-half) which yielded at its base the section given in Fig. 3.

Fig. 8. Square pyramidal crystal (reduced one-half) which gave, at the point indicated, the section in Fig. 13; the surface has been made smooth by subsequent deposition of $CaCO_3$.

Figs. 9 and 10. Skeleton crystals (natural size) showing cap-in-cap structure, and thus revealing the true square pyramidal form of the original mineral.

Fig. 11. Crystals (natural size) from the Domes, Pyramid Lake; the surface smoothed over by subsequent depositions of $CaCO_3$, with sproutings from the edges and extremities.

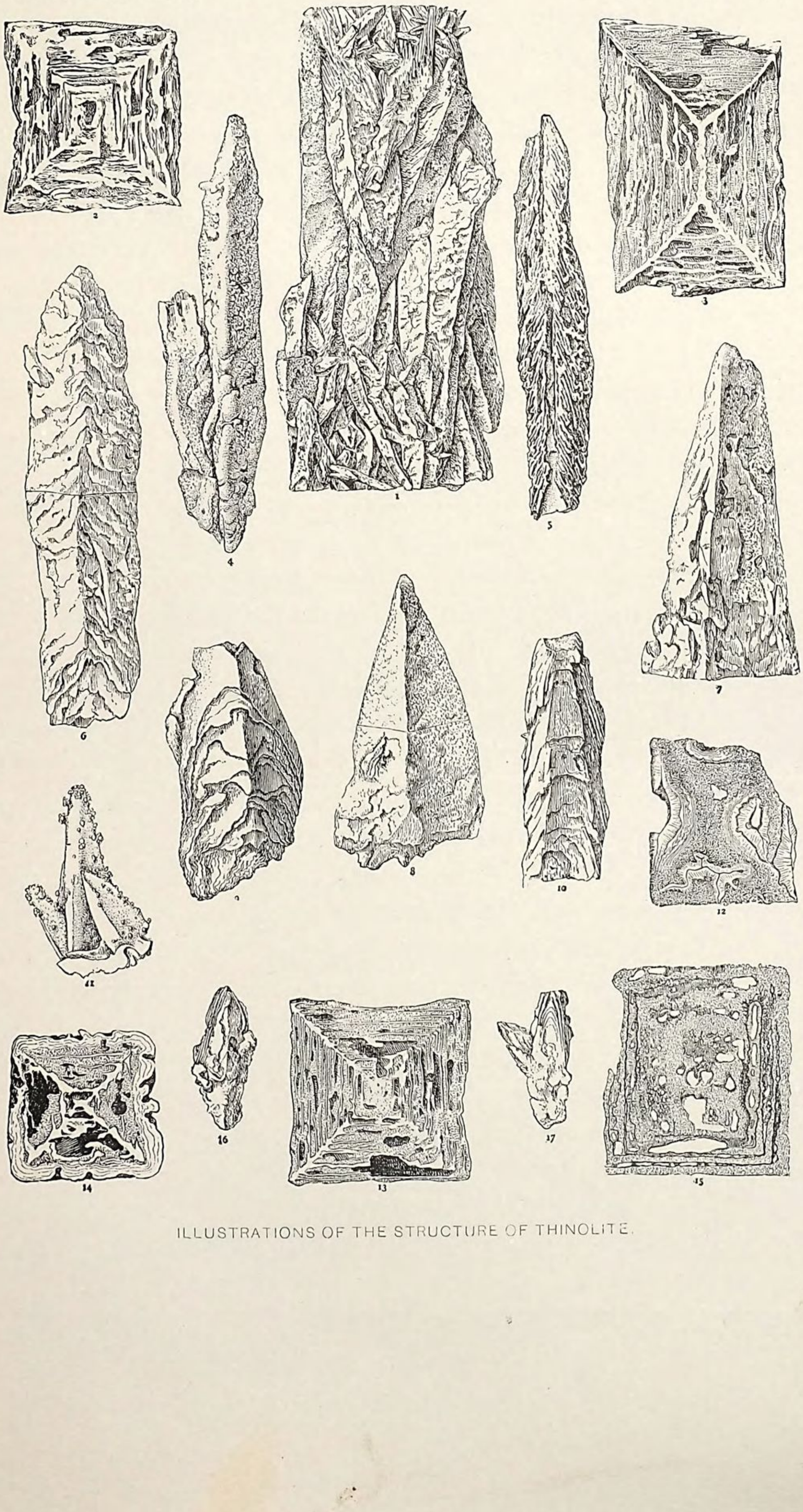
Fig. 12. Section (magnified 8 times) of a crystal from the Domes, like that in Fig. 11, showing a diagonal and rectangular frame-work, partly crystalline, granular, partly amorphous, with layers of secondary carbonate opal-like in structure.

Fig. 13. Section (natural size) of the crystal shown in Fig. 8, cut transversely at point indicated; it shows the same frame-work of granular crystalline carbonate, partially filled in with secondary $CaCO_3$.

Fig. 14. Section (natural size) showing the usual frame-work, partially filled in with secondary $CaCO_3$, and with successive layers also around the outside.

Fig. 15. Section of a crystal from the Marble Buttes, magnified 8 times, and showing the structure lines of crystallized carbonate, and also in the cavities the acicular crystals of aragonite. (?)

Figs. 16 and 17. Small pyramidal crystals (natural size), showing by dissection the cap-in-cap structure, and thus, like Figs. 9 and 10, revealing the true pyramidal form of the original mineral.



ILLUSTRATIONS OF THE STRUCTURE OF THINOLITE.

surfaces of the calcite grains. In other cases the outer surfaces are smooth and rounded, and the unaided eye sees little of the structure except on a cross-fracture; in these instances, as will be more fully explained immediately, a deposition of calcium carbonate has filled up the skeleton form and incrusted and smoothed over the surface.

The specimens from the Domes represent still another type of the thinolyte. The crystals here have uniformly an acute pyramidal form, and are grouped in irregular, divergent positions. Their surfaces are brownish yellow in color and show little of the edges of the parallel plates conspicuous in the variety from the Marble Buttes They are, on the contrary, nearly smooth, except when covered with watery excrescences, which in some cases are thickly clustered about the edges and extremities. One of these crystals (natural size) is shown in Fig. 11, Pl. XXXIII. On the fracture this variety is found to be nearly as firm and compact as a fine-grained crystalline limestone; in fact, the unaided eye would regard the whole as crystalline throughout. The color on the fracture is slightly yellowish white.

Examination of sections of crystals.—In order to get at the true structure of the crystals which have been described, it is necessary to resort to sections cut transversely and longitudinally; these reveal the form most clearly and satisfactorily. A cross-section of a crystal like those first described—the open, porous variety from Marble Buttes—is shown in Fig. 2 (natural size). As seen in the figure it is made up of lines in position parallel to the sides of a square prism, and in addition there are two sets of distinct diagonal lines intersecting at right angles to each other; between these ribs are open spaces. A closer examination of the specimen represented in Fig. 2 shows that the material consists of rhombohedral calcium carbonate, or calcite, of a distinctly granular crystalline structure throughout. The whole presents an open tessellated appearance. The external form of the crystal which yielded Fig. 2 is shown reduced one-half in Fig. 6. The point at which it was divided is indicated by a black line. The form is roughly that of a square prism tapering slightly in both directions, but the external form does not conform, in this respect, to the internal structure except at the upper extremity. The irregular edges of the upwardly converging plates are clearly shown in this figure.

A longitudinal section of another crystal (one-half natural size) is shown in Fig. 5. It presents also an open skeleton appearance analogous to that of Fig. 2. As seen in the figure the plates converge upwards on either side of the longitudinal axis, meeting at an angle of approximately 35°. Like the previous case, it consists entirely of purely granular crystallized calcite with only a little mossy covering on the surfaces of the plates. It is to be noticed here that the plates all converge upwards from one extremity of the crystal to the other, and this, as will be remarked later, is almost universally true even in the case of crystals, the external form of which tapers off at both ends.

Another transverse section (natural size) is shown in Fig 3. It is like Fig. 2 in most respects, except that the square is elongated in one direction and the diagonals meet in a central rib. Moreover while the skeleton frame-work consists as before of crystallized calcite (left white in the drawing), the intermediate spaces are partially filled up with a secondary deposit of calcium carbonate, which is apparently amorphous, and has been deposited in granular form and, too, in lines parallel to the crystalline plates. This subsequent deposition, however, has not gone far, and the general appearance is nearly as open as the one first described. The outline of the crystal which yielded this section is shown in Fig. 7 (reduced one-half). As seen here it tapers gradually to the terminal edge, forming a sharp extremity. The external form approximates to the true crystalline form of the original crystal, but is somewhat more acute, as shown by the edges of the plates exposed on the surfaces, and by the angle at which the plates within converge.

In Fig 13 another section is given (natural size). This shows much the same tessellated appearance, the structure being essentially the same as in the others described, but the secondary deposition of amorphous calcium carbonate has gone still further, so that as a whole it is more compact. The skeleton ribs parallel to the sides and the diagonals are, however, still very distinct and entirely crystalline. The form of the crystal which gave this section is shown in Fig. 8 (one-half natural size). As seen here it is an acute square pyramid, approximately conforming in outward form to the internal structure. The surface is here no longer open and fretted,

Explanation of Plate XXXIV.

Fig. 18. Thinolite from Black Rock Desert (reduced one-half), the individual crystals running off into a compact stony tufa, so that the mass from above has a cauliflower-like form.

Figs. 19 and 20. Thinolite from Mono Lake, California (natural size), showing the grouping of the composite crystals.

Fig. 21. Thinolite from Mono Lake (natural size), fragment of a large composite crystal, made up of small acicular crystals in parallel position.

Fig. 22. Transverse section of the crystal represented in Fig. 21, showing the same skeleton structure distinct in crystals from Pyramid Lake (Figs. 2, 3, etc.).

Figs. 23 and 24. Group of thinolite crystals from Mono Lake (natural size), showing the acicular form, and also the way in which the crystals are coated over with secondary carbonate.

Fig. 25. Group of small crystals (magnified 4 times) from Mono Lake, showing the same method of grouping common in the Sangerhausen pseudomorphs, as shown in Fig. 26.

Fig. 26. Group of Sangerhausen pseudomorphs (natural size); compare Fig. 25.

Figs. 27 and 28. Isolated thinolite crystals (magnified twice), showing resemblance in form and surface marking to Sangerhausen crystals; compare Figs. 31 and 32.

Fig. 29. Thinolite crystal (natural size), showing cap-in-cap pyramidal structure, similar to Figs. 16 and 17, Plate II.

Fig. 30. Thinolite crystal (magnified 4 times), showing resemblance in form to the Sangerhausen pseudomorphs; compare with Figs. 31, 32, and 38.

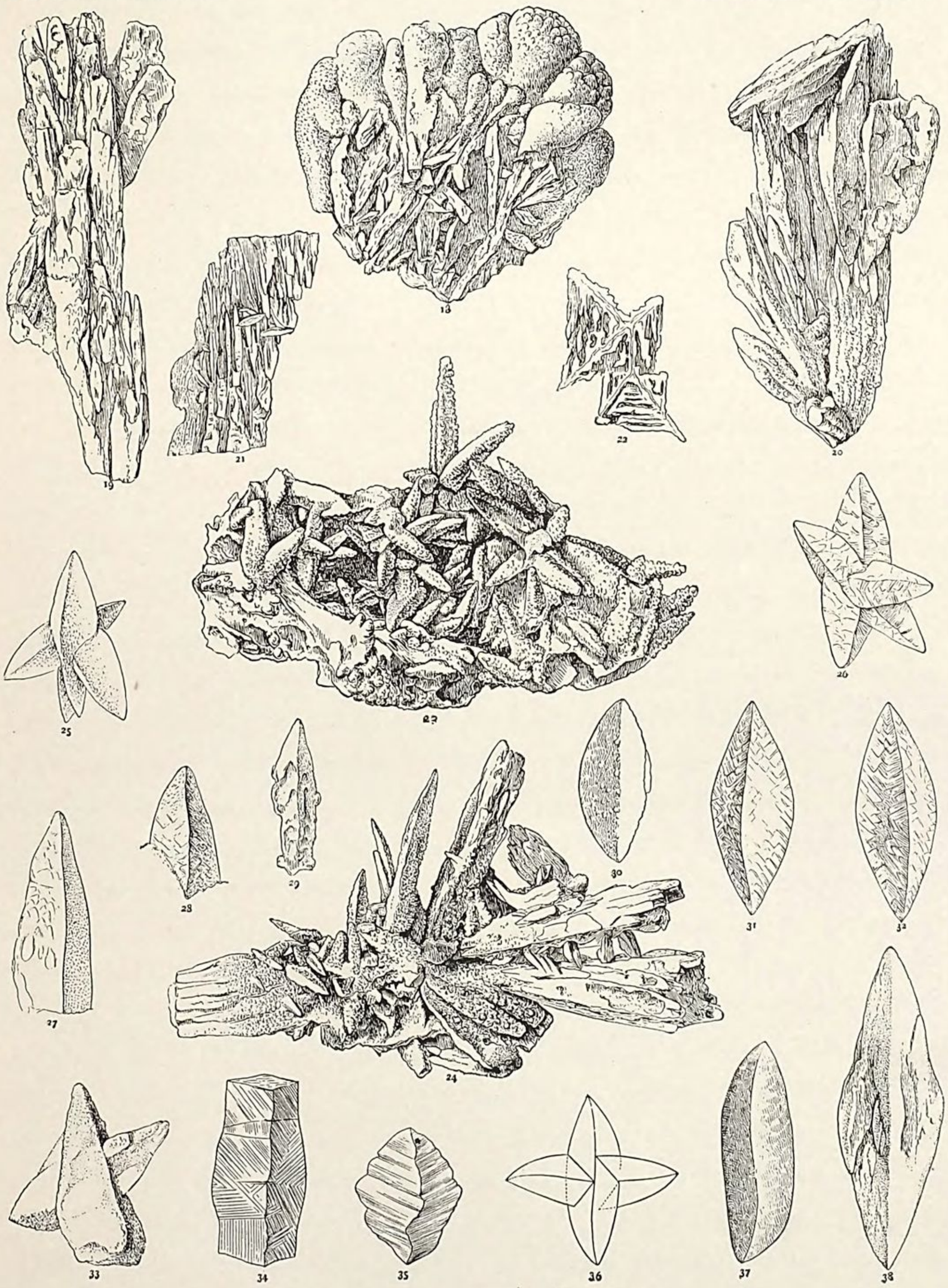
Figs. 31 and 32. Single Sangerhausen crystals, showing form and external markings; Fig. 31, natural size; Fig. 32, magnified twice.

Fig. 33. Group of small thinolite crystals (magnified 4 times); compare with Fig. 26.

Figs. 34 and 35. Pseudomorphous crystals, consisting of granular calcite from Astoria, Oregon; copied (reduced one-half) from figures by J. D. Dana in the Geology of U. S. Exploring Expedition, p. 656.

Figs. 36 and 37. Pseudomorphous crystals, consisting of granular calcite, from New South Wales; copied (reduced one-half) from figures by J. D. Dana in the Geology of the U. S. Exploring Expedition, p. 481.

Fig. 38. Pseudomorphous crystal (natural size) from Kating, Silesia.



ILLUSTRATIONS OF THE STRUCTURE OF THINOLITE

as in the others, but nearly smooth, except as it is covered with small wart-like prominences. The color is a dark brown. The line in which the section was cut is shown in the figure.

Still another section is shown in Fig. 14 (natural size), and one which marks a further degree of deposition of secondary calcium carbonate. The crystal from which it was taken had a square form tapering slowly upward, and the surface was covered with small mammillary prominences. The skeleton of crystalline calcium carbonate is here nearly concealed by the added amorphous material, and the outer portion consists of concentric layers of the same substance.

The exterior appearance of another crystal is shown in Fig. 4 (one-half of natural size). As seen, it tapers slightly toward both extremities, and it was cut longitudinally, in the idea that it might be a doubly terminated crystal, but the structure lines all converged toward one end, showing that, like most of the others, the growth was only in one direction. As the surface indicates, the crystalline skeleton has been nearly filled up with amorphous calcium carbonate.

In addition to the sections given and others like them of large crystals, numerous thin sections were also cut transverse and longitudinal to smaller crystals. They revealed under the microscope the same points which the microscopic examination of the larger sections showed—that is, the presence of the same skeleton of crystallized calcium carbonate with the concretionary depositions added to it. The calcite grains are large, each one having a distinct rounded or elliptical outline, and they are packed closely together, with a little brownish amorphous matter between them. Many of them show the rhombohedral cleavage; others show a crystalline nucleus which has apparently grown by the addition of further crystalline matter. The secondary calcium carbonate has generally a concentric or banded structure resembling some kinds of opal.

These sections also show another point of interest; namely, the presence of groups of acicular crystals in parallel position filling more or less completely the cavities in the skeleton structure, and sometimes projecting into the cavities. These are seen in many cases, and are the general rule, though sometimes absent; they are indicated magnified eight times in Fig.

15. These acicular crystals show uniformly extinction parallel to their prismatic direction, and hence it seems clear that they must belong to an orthometric system. It seems probable that they are aragonite. A chemical examination of an uncovered slide gave results in accordance with this suggestion.

A section of one of the crystals from the Domes is shown in Fig. 12 magnified eight times. To the eye the broken crystal appeared to be crystalline throughout; in the section, however, as examined under the microscope, there is seen to be a crystalline frame-work made up of calcite grains, filled in with amorphous matter, and in addition outer layers of banded opal-like carbonate, so that it conforms in general to cases like those before represented. The diagonal lines are here clearly developed, and there are also rectangular lines more or less distinctly indicated. These are illustrated somewhat obscurely in the figures. Other sections showed essentially the same relations.

Structure in dissected crystals.—As has been stated, the external form of the thinolite crystals seldom gives the true crystalline form. The process of dissection, however, which has laid bare the skeleton-like ribs which have been described, sometimes results in showing the true pyramidal form of the original mineral. In such cases we may have a series of skeleton crystals, each a hollow pyramid as a cap to the one preceding. This is shown in Fig. 9, which will explain itself, and again in Fig. 10 (both natural size). In another case a mass of the calcareous tufa, showing little structure, has its surface partially covered with pyramidal crystals an inch in length. Each one was a skeleton crystal inclosing a pyramidal crystal, and sometimes several crystals after the fashion of a nest of pill-boxes. The outer surface of the crystals was incrusted with a moss-like covering, often entirely hiding the form. Two of these are represented in Figs. 16 and 17 (natural size), and another in Fig. 29, Plate XXXIV.

Before passing to the description of the next succeeding tufa deposit, we may note that the external surface of the thinolite does not exhibit evidence of having been weathered previous to the deposition of the den-

dritic variety. This may be taken as conclusive evidence that the lake surface did not fall below the horizon of the thinolite terrace subsequent to the deposition of thinolite until after the dendritic tufa was formed.

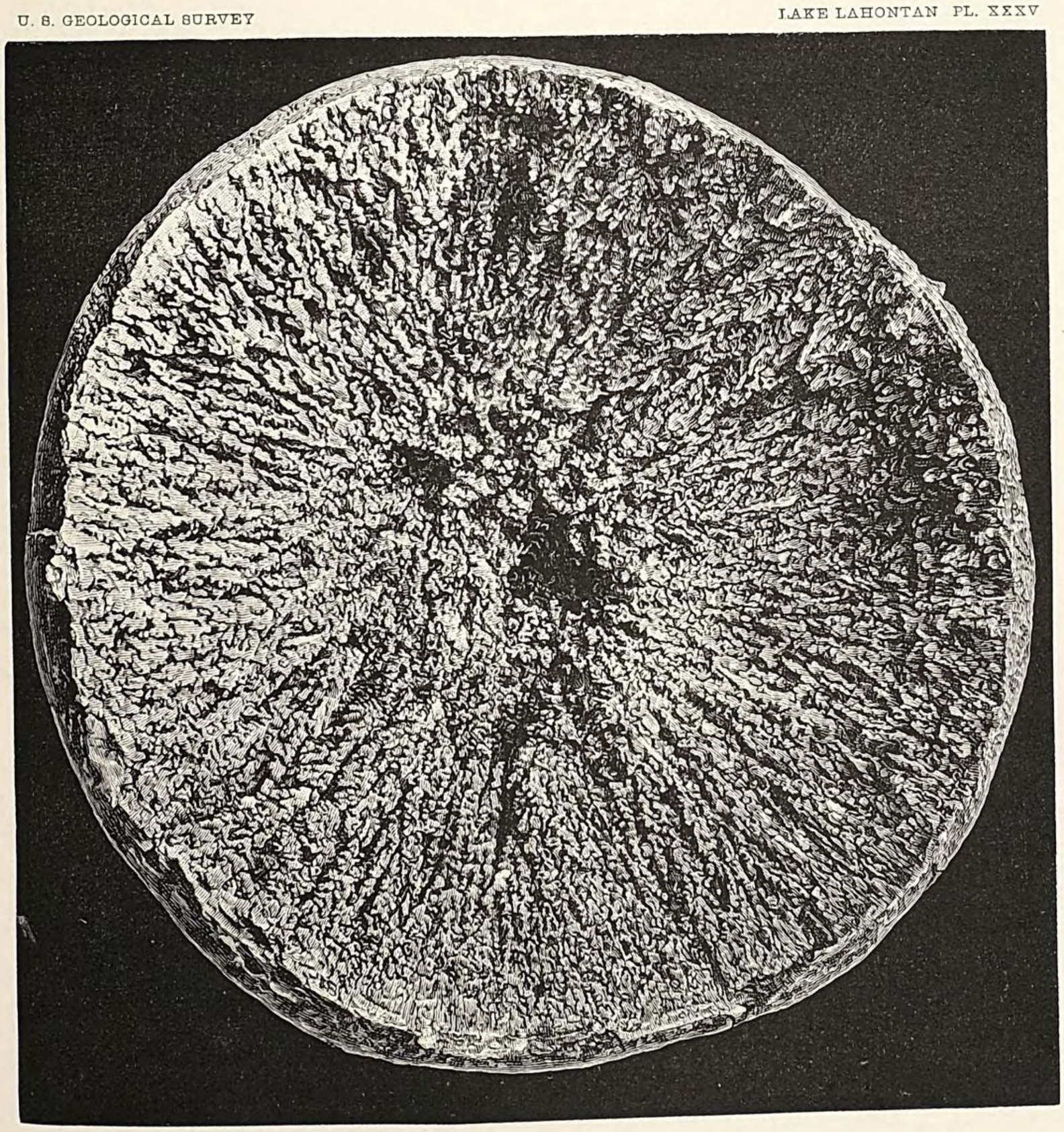
DENDRITIC TUFA.

A change in the chemical nature of Lake Lahontan, which terminated the crystallization of thinolite, is recorded by a third calcareous deposit, which, from its resemblance in structure to arborescent forms, we have called dendritic tufa. The conditions that brought about this change in the character of the calcium carbonate precipitated appears to have been a dilution of the waters in which the thinolite was deposited. This is evident from the fact that the dendritic tufa reaches a higher level than the layer of thinolite. This third variety is by far the most abundant of all the chemical deposits of Lake Lahontan, and occurs from the bottom of the basin up to an elevation of 320 feet above the level of Pyramid Lake in 1882. In many places it is not less than 50 or 60 feet in thickness and may at times exceed this amount. The principal precipitation took place at an elevation of between 200 and 300 feet above Pyramid Lake. The abundance of the accumulation at this horizon is so great that it gives a convex outline to the cliffs on which it was deposited, as may be seen at the Marble Buttes and on the islands in Pyramid Lake. It is frequently suspended from cliffs in pendent, comb-like masses, which sometimes suggest the appearance of Cyclopean tile-work, and present surfaces of extreme ruggedness. The aspect of cliffs when loaded down with tufa is well shown on Plate XXIV, Vol. I, of the reports of the United States Geological Exploration of the Fortieth Parallel, and is also represented on Plate XXXVI of the present volume. Like the lithoid and thinolitic tufas already described, the dendritic variety is yellowish gray in color and weathers into similar rough and angular forms. It is distinguishable at a glance, however, from the earlier varieties by its peculiar dendritic structure. In typical specimens, the sprays of tufa branch and expand from central nuclei, in such a manner as to appear not unlike twigs of cedar changed to stone. This arborescent or dendritic structure is shown on Plate XXXV, which is a reproduction of

a photograph of a section of a small dome or loaf-like mass, the top of which has been removed by weathering.

As the lake stood about 220 feet above the thinolite terrace when the highest deposit of dendritic tufa was formed, the geographical distribution of this variety is of broader extent than that of the thinolitic; but it is not so widely spread as the lithoid tufa.

It not only occurs in far greater abundance than either of the other varieties, but is found in various relations to the lacustral sediments, etc., which the other tufas have not been observed to present. In many localities on the deserts where nuclei of gravel, shells, etc., were present, the surface is frequently covered here and there with tufa-growths having a striking resemblance to mushrooms or tuberous roots, which are frequently spoken of as "fossil mushrooms," "fossil turnips," etc. A few characteristic examples of the pseudo-vegetable forms are represented on Plate XXXVII. Fig. A shows a growth about four inches high springing from a water-worn pebble; Fig. B, of one-third natural size, is a deposition of tufa on a rocky crag that projected an inch or two above the lake bottom; in Fig. C the deposition commenced about grains of sand; Figs. D and E show the tops of mushroom-shaped growths. At some localities the "mushrooms" occur of large size and form a continuous pavement over the surface of the former lake bottom, as may be seen along the road between Wadsworth and Pyramid Lake, and again in the Carson Cañon, north of Churchill Valley. At these localities the symmetrical outline of the tufa-forms has frequently been modified by the contact of one with another during their formation, so that now they are polygonal instead of circular in horizontal section. These masses are frequently hexagonal when seen from above and have rounded dome-shaped tops, which are sometimes hollowed out by the weathering of their summits and cellular interior in such a manner as to form irregular vases. In many instances the separate mushroom-like masses springing from independent nuclei are 10 or 15 feet in diameter and weigh many tons. In the walls of the cañons carved by the Humboldt and Truckee rivers through the sediments of Lake Lahontan sections are exposed of continuous layers of dendritic tufa, interstratified with marls and



A CHARACTERISTIC SPECIMEN OF DENDRITIC TUFA.

clays. The occurrence of evenly stratified lacustral beds, containing the shells of fresh-water mollusks, above the layer of dendritic tufa, is evidence that the lake rose after the precipitation of the tufa and was essentially fresh.

As in the earlier formed varieties, a section of the sheathing of dendritic tufa exhibits many alternating bands, showing that the deposition took place from without and was subject to many variations.

CHEMICAL COMPOSITION OF THE TUFA DEPOSITS.

Carefully collected samples of each of the varieties of tufa described above were submitted to Prof. O. D. Allen, of Yale College, for analysis, who reports their composition as follows:

Constituents.	Lithoid tufa.	Thinolitic tufa.	Dendritic tufa.
Insoluble residue	1.70	3.88	5.06
Lime (CaO)	50.48	50.45	49.14
Magnesia (MgO)	2.88	1.37	1.99
Oxide of iron and alumina	.25	.71	1.29
Carbonic acid (CO_2)	41.85	40.90	40.31
Water (H_2O)	2.07	1.50	2.01
Phosphoric acid (PO_5)	.30	trace.	trace.
Chlorine and sulphuric acid	trace.	trace.	trace.
Total	99.53	98.81	99.80

It will be seen from this report that the composition of the tufas gives no hint as to differences in the conditions under which they were deposited. With the exception of the insoluble residue, which may be considered in a measure as accidental—being in part foreign matter imprisoned during the precipitation of the tufa, and in part carried into the insterstices of the rock as atmospheric dust after the desiccation of the basin—the various specimens have essentially the same composition. Special tests have been made in the case of thinolite to determine if in some instances it might not contain notable quantities of calcium chloride or other similar salt, but the results were negative. In common with all the tufa deposited in the Quaternary lake basins of the Far West, the several Lahontan varieties, as found at the present day, are simply impure calcium carbonate.

SUCCESSION OF TUFA DEPOSITS.

The relation of the three varieties of tufa to each other, and the manner of their occurrence on the interior of the Lahontan basin, are indicated in the following ideal section of the lake shore:

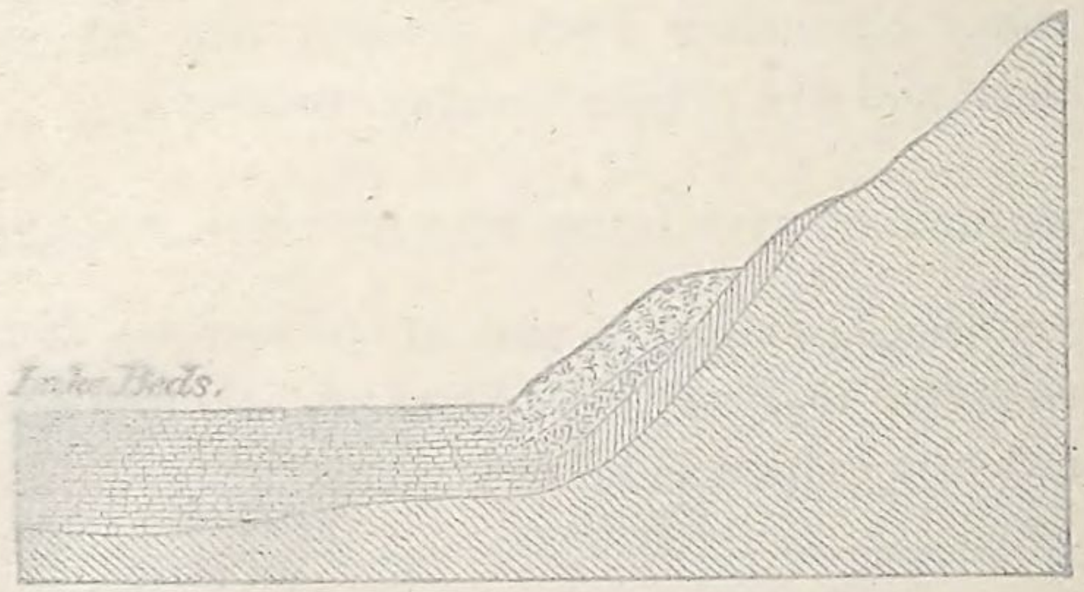
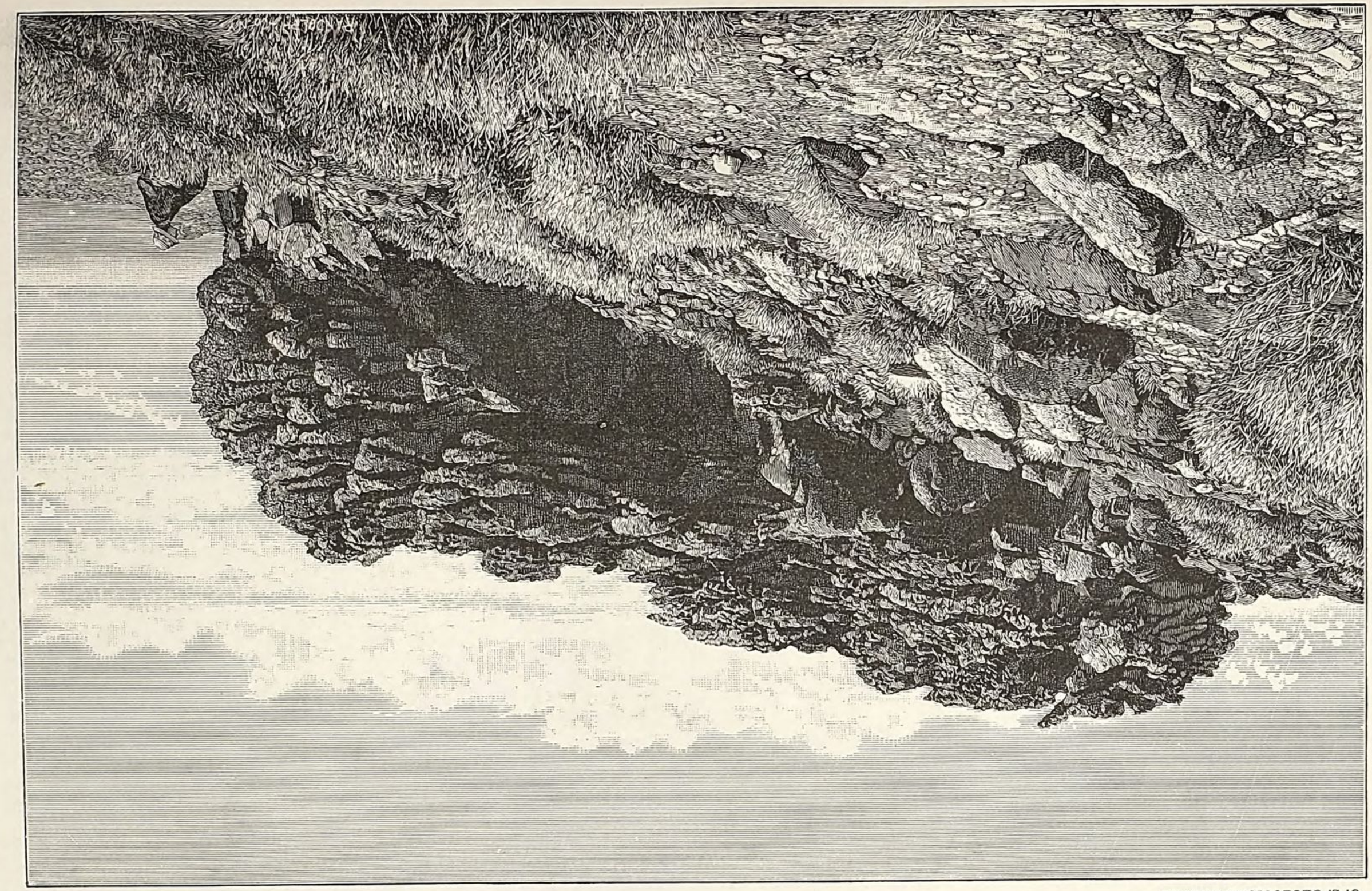


FIG. 28.—Diagram showing succession of tufa deposits.

The first formed deposit, lithoid tufa, extends upward about 500 feet above the horizontal lake-beds occupying the bottom of the basin. The second deposit, thinolitic tufa, finds its upper limit about 100 feet above the present level of Pyramid Lake. The third and last, dendritic tufa, extends upwards to within approximately 200 feet of the highest shore-line. The lower limits of the tufas cannot be determined with accuracy, as they are concealed by lacustral sediments.

Considering these deposits by themselves, we learn that Lake Lahontan rose to about the level of the lithoid terrace, and then evaporated away to a horizon certainly somewhat lower than the present level of Pyramid Lake. During this evaporation the lithoid tufa was deposited, and evidently owes its precipitation directly to the concentration of the lake waters. The lake was then refilled to the level of the thinolite terrace, where it must have maintained a nearly constant horizon for a long time. Concentration by evaporation continued and the deposition of the crystals after which thinolite is a pseudomorph, took place. From this horizon the lake surface was carried upwards about 220 feet, with many oscillations, and for a long period deposited dendritic tufa. Subsequently the basin was more completely filled, as is shown by the lacustral beds that occur above

DENDRITIC TUFA DEPOSITED ON A CLIFF



U. S. GEOLOGICAL SURVEY

LAKE LAHONTAN PL. XXXVI

the dendritic tufa in the Humboldt and Truckee cañons. During this last rise the water surface reached a horizon about 30 feet above the lithoid terrace, and carved the Lahontan beach—the highest water-line in the basin. From this level the lake evaporated away until the basin reached at least its present condition, and probably a much greater degree of desiccation. We should expect that other deposits of tufa would have been formed during this final evaporation. Thus far, however, there are but few observations to sustain this hypothesis. Smoke Creek Desert and the valley of Pyramid Lake are separated by a low divide, which at a certain stage in the lowering of the lake must have parted the waters in the two valleys. The basin now floored by the desert underwent complete desiccation, and on its surface we find the mineral matter precipitated from the waters as they evaporated. The desert where not concealed beneath recent playa deposits, is covered with an abundance of thinolite crystals, mostly scattered and broken, which, from their position, must have been deposited during the last recession of the waters. The highest point at which this tufa was found may be taken at about 50 feet above the surface of the desert, or a little below the level of the divide at the southern end of the basin. The crystals scattered over the surface of the desert are somewhat different in appearance from the thinolite found in such abundance about Pyramid Lake; and, at their upper limit, pass into a dense, compact, and usually botryoidal mass which closely resembles gray stone-ware. See Fig. 18, Plate XXXIV. As is common with tufa deposits, these crystals are usually grouped about solid nuclei, and frequently form rosette-shaped masses 4 or 5 inches in diameter.

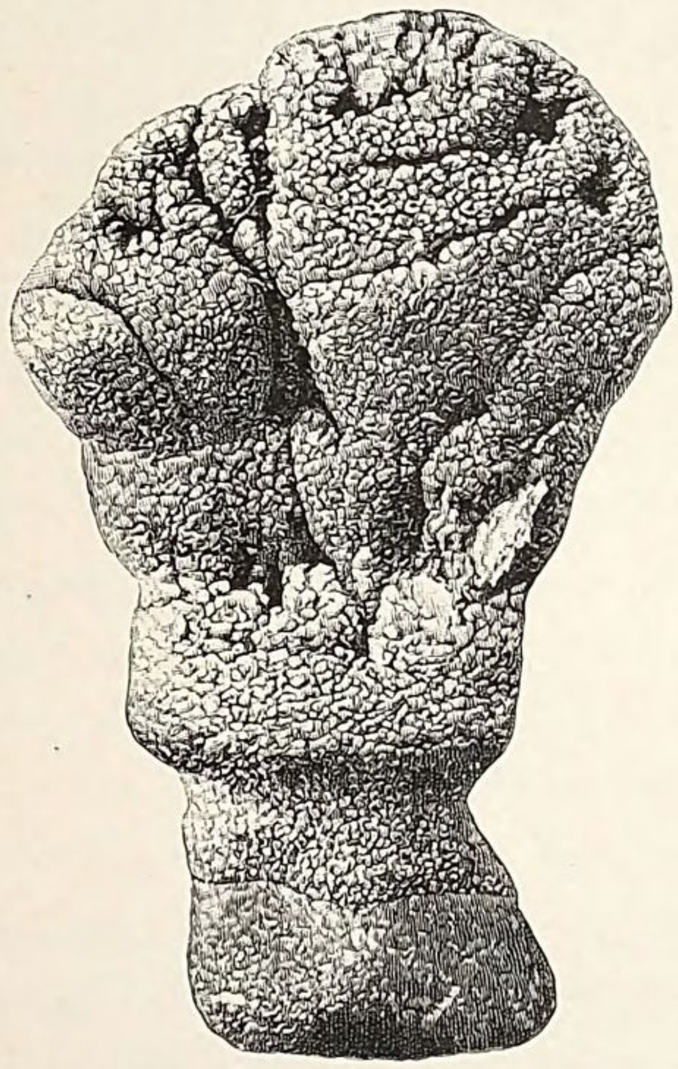
Direct superposition of this variety of tufa upon the dendritic has not been observed; but the sediments on which it rests are probably of the same date as those covering the dendritic tufa in the Truckee and Humboldt cañons. Thinolite crystals of the same character as those scattered over the surface of the Smoke Creek Desert, have been observed at the southern end of Winnemucca Lake, and on the shore of Walker Lake; at the time of their formation, each of these basins must have contained an independent water-body.

of the Humboldt, near Humboldt Lake, a thin deposit of coral-like tufa has been observed coating domes of the dendritic which is quite different from any of the lower tufas occurring in

From their position at the top of the series we refer both of the varieties of tufa described above to the last evaporation of Lake Lahontan. The thinolite form was deposited when the lake filled its basin up to within 100 feet of the Lahontan beach; and the thinolite was crystallized when evaporation had lowered its surface so greatly that it became divided into separate basins, one of which, the Smoke Creek Desert, was completely desiccated.

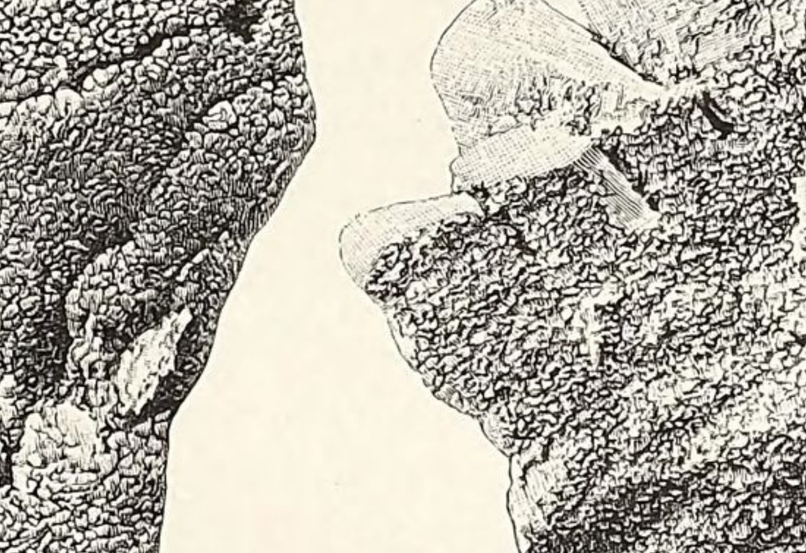
About Pyramid Lake, where the records of Lahontan history are most complete, these evidences of the last recession of the waters have not been satisfactorily observed. The absence of the second deposit of thinolite in this basin is possibly due to the depth of the waters that occupied it, which did not reach a sufficient degree of concentration to admit of the formation of thinolite crystals, at least not in that portion of the basin now open to inspection. Observation has thus far been unable to show conclusively that coral-like tufa similar to that formed at a recent date in the Humboldt Valley, occurs at other localities, but an outer coating on many of the domes about Pyramid Lake is very similar and is probably of the same date. Its general absence may perhaps be accounted for in many localities by assuming that it would be the first of the tufas to be removed by erosion, after the evaporation of the waters in which it was deposited. Our information regarding the later-formed varieties of tufa is but fragmentary, and does not afford as complete a record of the post-dendritic oscillations of the lake as could be desired.

Carrying our study of tufa deposits one step nearer the present, we find that the rocks and tufa-crags about Pyramid Lake are coated with a thin deposit of calcium carbonate, in the form of compact gray tufa, up to the height of about 12 feet above the level of the lake in 1882. This sheathing also descends beneath the lake surface and, judging from its freshness, it is evident that it is still in process of formation. The similarity between the tufa now forming and the variety first deposited from the waters of Lake Lahontan,

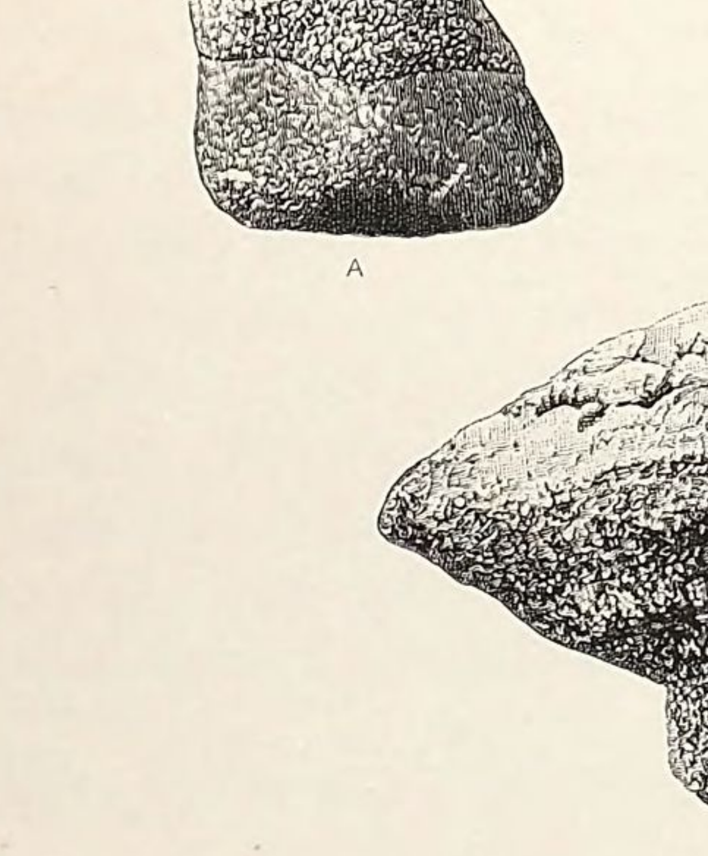


A

B



C



D

E

IMITATIVE TUFA FORMS.

indicates that the concentration of the waters of Pyramid Lake at present must approximate that of the ancient lake during its first rise. In sheltered bays among the Needles, where springs with a temperature of about 100° F. rise in shallow water, there are beaches of creamy-white oölitic sand, which, like the calcareous coating on the rocks, is still in process of formation.[68] The calcium composing the oölitic sand is probably derived from the warm springs near at hand, which are also depositing a light-colored, porous tufa on the lake bottom. In a number of instances, tubular and mushroom-shaped growths occur about the orifices of the submerged springs. Some of these irregular tubes rise 5 or 6 feet above the bottom of the lake, and afford passages for the warm waters that stream through them. It is evident that the precipitation of calcium carbonate commences at this locality at the instant that the warm spring-water comes in contact with the cooler and denser water in which it rises. No chemical examination of these spring waters has been made, but judging from their taste they are practically fresh. The tubular forms produced are high in comparison to their diameter and form miniature towers and domes, which in deep, still water might grow to be of large size. A few of them are represented in Fig. 6, page 61. They assist one in understanding the origin of certain Lahontan tufas, which we shall next consider.

TUFA DEPOSITS IN THE FORM OF TOWERS, DOMES, CASTLES, CRAGS, ETC.

In the foregoing descriptions our attention has been directed to the layers of tufa sheathing the interior of the Lahontan basin. We now turn to other deposits of the same nature occurring in isolated positions at various distances from the borders of the valleys, which we shall call tufa domes, towers, castles, etc., as their forms may suggest. Some of these masses are now wholly or in part submerged beneath the waters of the existing lakes, while others are scattered throughout the desert valleys which were formerly flooded, and frequently resemble isolated watch-towers or crumbling ruins, the origin of which must be a puzzle to one not familiar

[68] The general features of this locality have been noticed in describing Pyramid Lake, page 60.

with the mode of their formation These tufa-forms occur of all sizes, from mushroom-shaped cakes a few inches high, up to castellated masses rising over a hundred feet above the desert, and frequently contain many thousands of tons of calcium carbonate. Isolated tufa-masses may be studied to advantage about the shores of Pyramid and Winnemucca lakes, and at a few localities on the borders of the Carson Desert. The rugged promontory known as the Needles is surrounded by a number of peculiarly shaped islands which rise from 15 or 20 feet of water to a height of 40 or 50 feet above the lake's surface. The Needles and all the associated islands are composed of tufa, which takes the form of towers and domes of the most rugged and picturesque description. The highest of the Needles rises like a cathedral spire to the height of 300 feet, and is apparently composed of tufa throughout. At the top only lithoid tufa is found; at the base of the spire, where the rock swells out and forms a dome, there is a great thickness of the dendritic variety; at the base, where the rock has been weathered and broken, a heavy deposit of thinolite crystals is exposed, interstratified between the lithoid and the dendritic. The precipitation of calcium carbonate has been so abundant at this locality that the rocky nucleus about which the crystallization commenced can only be seen in a few places.

In some instances tufa domes and towers are grouped in clusters and unite with one another in such a manner as to form castle-like masses of great size, which call to mind the ruins of mediæval strongholds. The appearance of one of these water-built structures standing on the western shore of Pyramid Lake is shown on Plate XL; like all the tufa deposits in the basin that are not submerged, this ancient castle is fast crumbling into decay and ruin.

Isolated towers and shafts of tufa are sometimes seen standing on the desert in independent masses that are frequently 50 or 60 feet high, and furnish most instructive examples of deposits of this nature. These structures are frequently weathered and broken in such a manner as to expose every desirable section of their interiors, and afford abundant opportunity for the study of their anatomy. The inspection of some of these broken shafts shows at a glance that they have a concentric structure, and are composed of three varieties of tufa, as in the case of the deposits sheathing the

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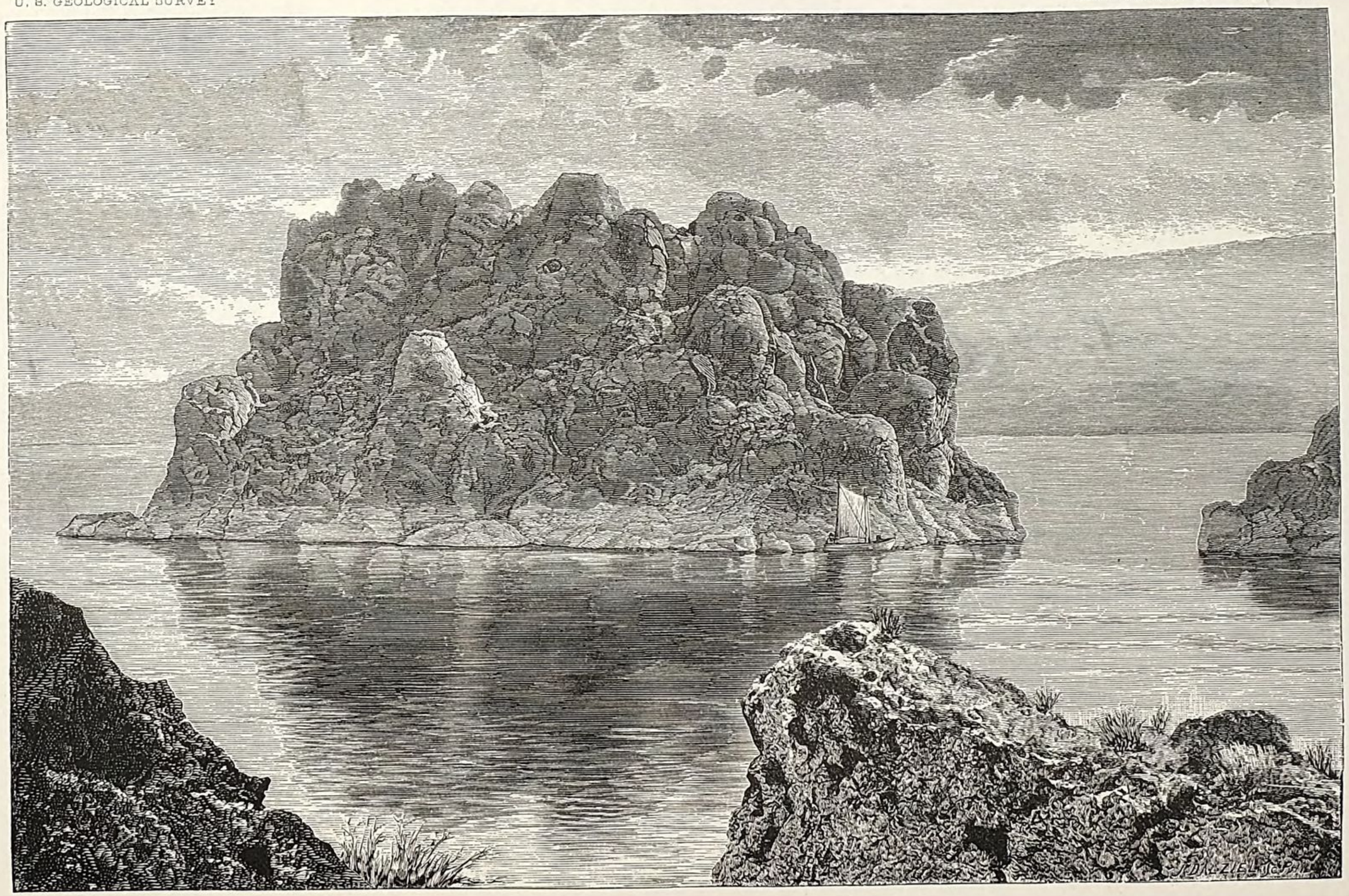


AN ISLAND OF TUFA IN PYRAMID LAKE, NEVADA.

interior of the basin. A cross-section of one of these columns is shown in the following diagram. The central portion (*a*) is of compact lithoid tufa, which usually exhibits a concentric or tubular structure, and is very frequently from 6 to 10 feet in diameter; surrounding this core is a layer of thinolite crystals, forming the concentric band (*b*), which is commonly from 2 to 6 feet thick; outside of this layer is a coating of dendritic tufa (*c*), of somewhat greater thickness than the thinolite layer, which sheathes the outside of the tower and arches over the low dome forming its summit.

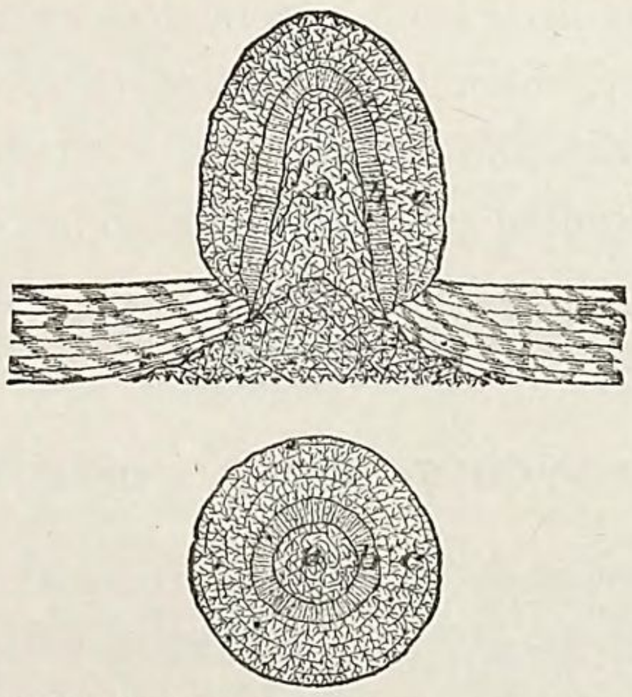


FIG. 29.—Vertical and horizontal sections of a tufa tower.

ot only are these isolated towers composed of distinct layers of the three varieties of tufa we have mentioned, but each of these main divisions is itself banded. The cross-section of some of the tufa towers shows that the inner core of lithoid tufa is composed of as many as fifteen or twenty distinct envelopes; at the center and near the outer margin, some of these bands have a dendritic structure. Sections of the middle or thinolite member reveal that it also is composed of a large number of concentric bands, some formed of large, and some of small crystals; near the outer portion of this deposit thin layers of thinolite alternate with narrow bands of dendritic tufa. The outer sheathing of dendritic tufa is also composed of many layers. Each of these concentric circles seen in the cross-section of a tufa tower, like the annual rings of an exogenous tree, is a section of a cylinder that has been formed about the previous one. It is evident that each concentric band records a change of greater or less importance in the character

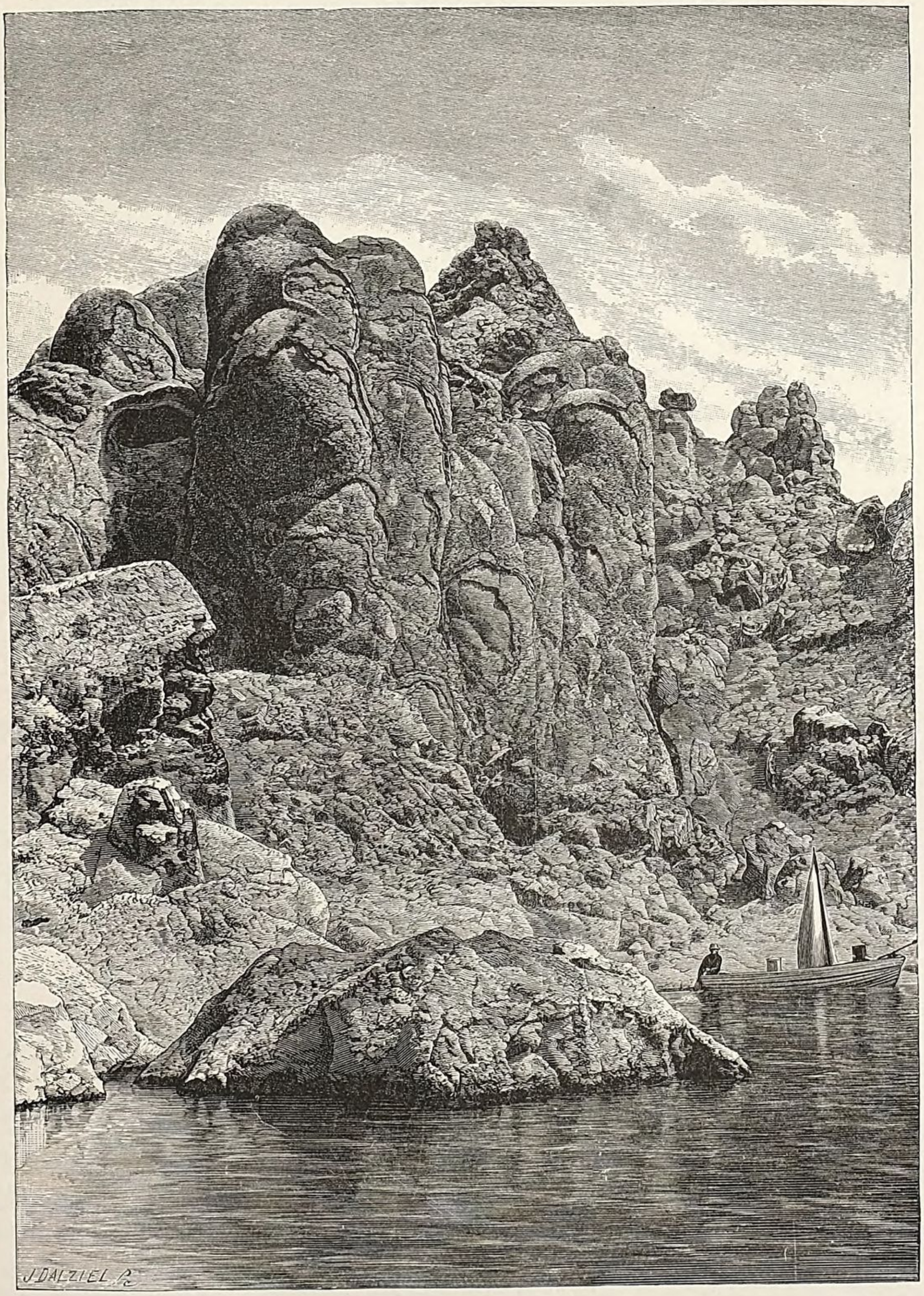
from which the calcium carbonate was crystallized. The dendritic varieties having a much closer resemblance to each other has to the middle or thinolite member; it is apparent that chemical conditions which favored their deposition, although not identwidely divergent. As the first and third members of the were deposited when the lake was deep and of broad extent, we may conclude that they were precipitated from comparatively dilute solutions; the thinolite, on the other hand, is only found low in the basin, and must consistently have crystallized from waters that were more concentrated

The structure of the isolated domes, towers, castles, etc., corresponds, even in minute detail, with the structure of the tufa layers sheathing the sides of the basin; thus adding strength, if additional evidence were needed, to the conclusion that they were deposited during three well-defined stages in the history of the former lake.

CONDITIONS FAVORING THE DEPOSITION OF TUFA.

From the facts already gathered concerning the history of Lake Lahontan, it is evident that the principal condition which favored the precipitation of the calcium carbonate dissolved in its waters, was concentration by evaporation; the tributary streams at the same time continuing to supply fresh quantities of calcium carbonate. We do not forget, however, that chemical reactions must have taken place among the various salts as the lake became concentrated, which would affect the nature of the precipitates. The conditions under which a mixture of saline substances exists in solution are too little known, however, to enable one to determine what changes may have taken place

The conditions favoring the formation of lithoid tufa seem simple in their nature and not difficult to determine. This variety is apparently identical with that precipitated in neighboring Quaternary lakes, and is very similar to the deposits now forming about many springs, or being precipitated from the spray of water-falls, and from the waters of lakes in which evaporation equals or exceeds supply. The deposits now forming owe their deposition to the loss of carbon dioxide, and to evaporation; and are so similar to the first-formed Lahontan tufa, that there seems no doubt but that



TUFA TOWERS ON THE SHORE OF PYRAMID LAKE, NEVADA.

the ancient tufa was deposited in a similar manner and was a direct precipitate from lake waters. It is evidently not a pseudomorph, and since its deposition has undergone but slight change.

We have already noted that the dendritic tufa is much more closely related in its structure to the lithoid than it is to the thinolitic variety. The alternation of lithoid and dendritic tufa in narrow bands indicates that the conditions under which they were deposited were very similar. At the time each of these varieties was precipitated the lake was of broader extent and had a much greater depth than when the crystallization of the thinolite took place. From these facts we conclude that the dendritic tufa, like the lithoid, was precipitated when the lake waters were moderately concentrated At the time of its formation, however, they must have been more highly charged with chloride of sodium, alkaline carbonates, etc., than during the early part of its history. The presence of these salts may account for the peculiar forms assumed by the calcium carbonate upon crystallizing. This variety of tufa, like the lithoid, has remained practically unchanged since it was deposited, and cannot be considered a pseudomorph after any other mineral.

From the relative height of the various tufa deposits on the sides of the Lahontan basin we know that the lake was much lower during the thinolitic stage than when the other varieties of tufa were formed. It was, therefore, presumably a more concentrated chemical solution. This statement requires qualification, however, when we consider that between the lithoid and thinolitic stages the lake sank far below the thinolitic terrace and may have undergone complete desiccation. If the lake was evaporated to dryness at that time, one of three results might have ensued: (a) The precipitated salts might have been buried beneath playa deposits, in which case the lake formed when the basin was partially refilled might have been essentially fresh. (b) The lake might have been partially refilled before any of the precipitated salts were buried, in which case it would be an alkaline and saline solution of the same character as during the low stages previous to desiccation. (c) Lastly, a partial precipitation and burial of the saline content might have occurred; in this case the less soluble salts would have been

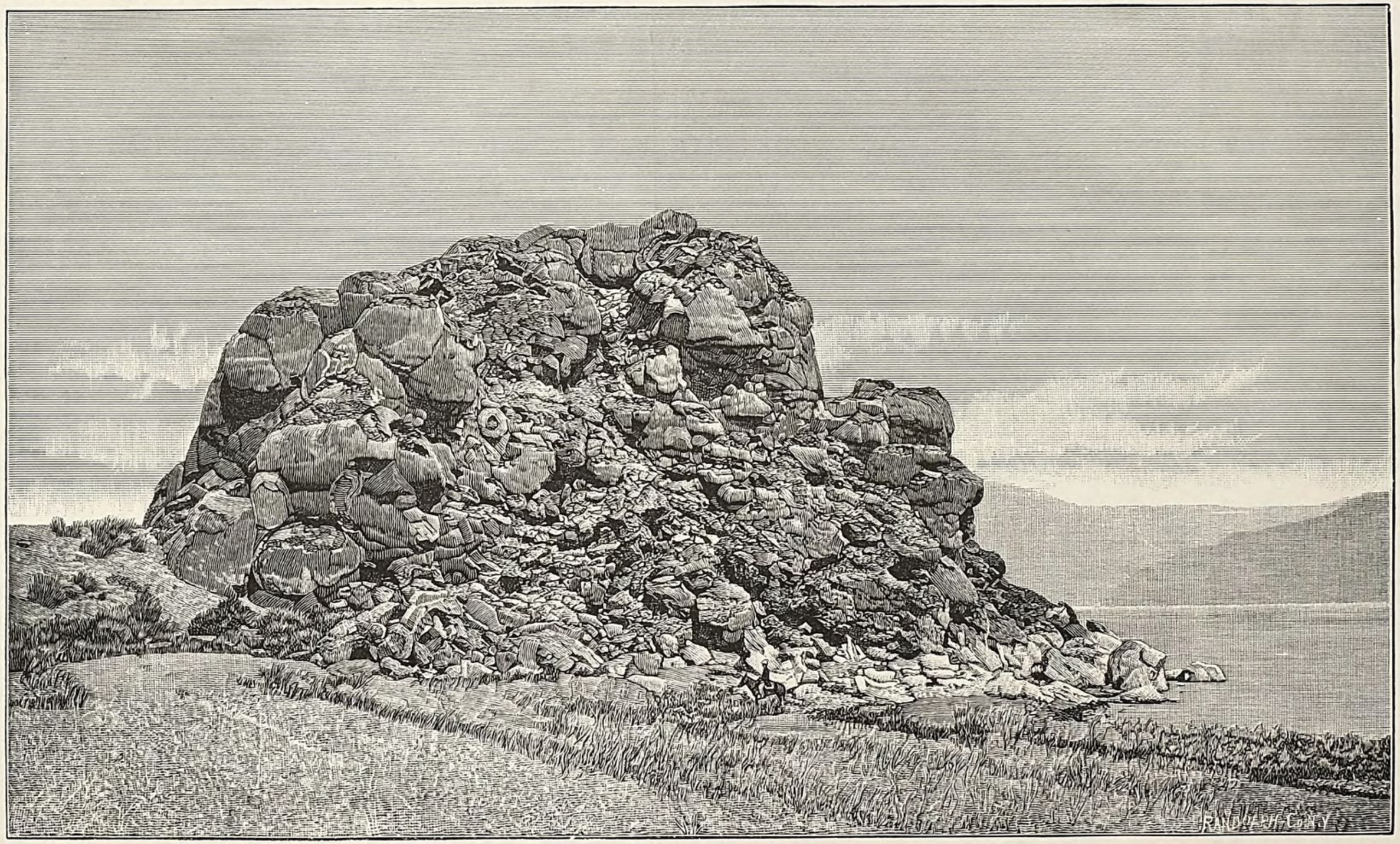
saturated, leaving the waters in the condition of a mother-liquor, characterized by the presence of the more deliquescent salts. Let us consider the probable effect of each of these conditions on the character of the calcium carbonate subsequently deposited.

If the first case, we should expect that there would be but a slight, if any, deposition of tufa in the rising lake. If precipitation of calcium carbonate did take place, however, it would be expected to have the same characteristics as the tufa formed during the first high-water period, but as the thinolite is markedly different from the lithoid tufa we may disregard this postulate.

If the second were true, and all the precipitated salts were redissolved, the previous condition of the lake would be practically re-established, and the ensuing deposits of tufa could not be expected to differ from that previously precipitated.

If the third were true, a change in the nature of the lake when the basin was partially refilled would result. The first salts to be deposited from a brine obtained by the concentration of waters like those found in the rivers of the Lahontan basin would be calcium carbonate, calcium sulphate, and sodium chloride. As calcium carbonate had already been deposited in immense quantities, and the per cent. of calcium sulphate was probably small, the principal salt that would be precipitated upon a partial crystallization of the substances dissolved in the concentrated lake water would be sodium chloride. If the precipitation and burial of the mineral substances in solution had been stopped at this stage and the basin partially refilled, the resulting lake would have been characterized by the presence of more soluble salts among which the alkaline carbonates would have predominated. The calcium carbonate subsequently contributed by streams and springs as the lake rose would have been precipitated under different conditions than had previously obtained, and this might have caused it to assume a different crystalline form. Thus the postulate of a partial desiccation of the basin agrees best with the facts observed.

As a qualification of the second hypothesis, we might assume, that during the time intervening between the formation of the lithoid and thinolitic tufas concentration was continued for a long period without the depo-



TUFA CASTLE, WEST SHORE OF PYRAMID LAKE, NEVADA

sition of any of the contained salts. The water would thus be more highly charged with saline matter when the lake rose to the level of the thinolite terrace than when it previously stood at that horizon. Under these conditions the composition of total salts would remain practically constant, but their percentage in a given quantity of water would be increased. Our ignorance of the influence that the presence of various salts exerts on the character of the calcium carbonate precipitated from saline waters renders it impossible for us to predict that it would differ in crystalline form when deposited in strong or weak brines. A partial desiccation would cause a more marked change in the chemistry of the lake than continued concentration. We are inclined, therefore, to the belief that the former is the more probable hypothesis of the two.

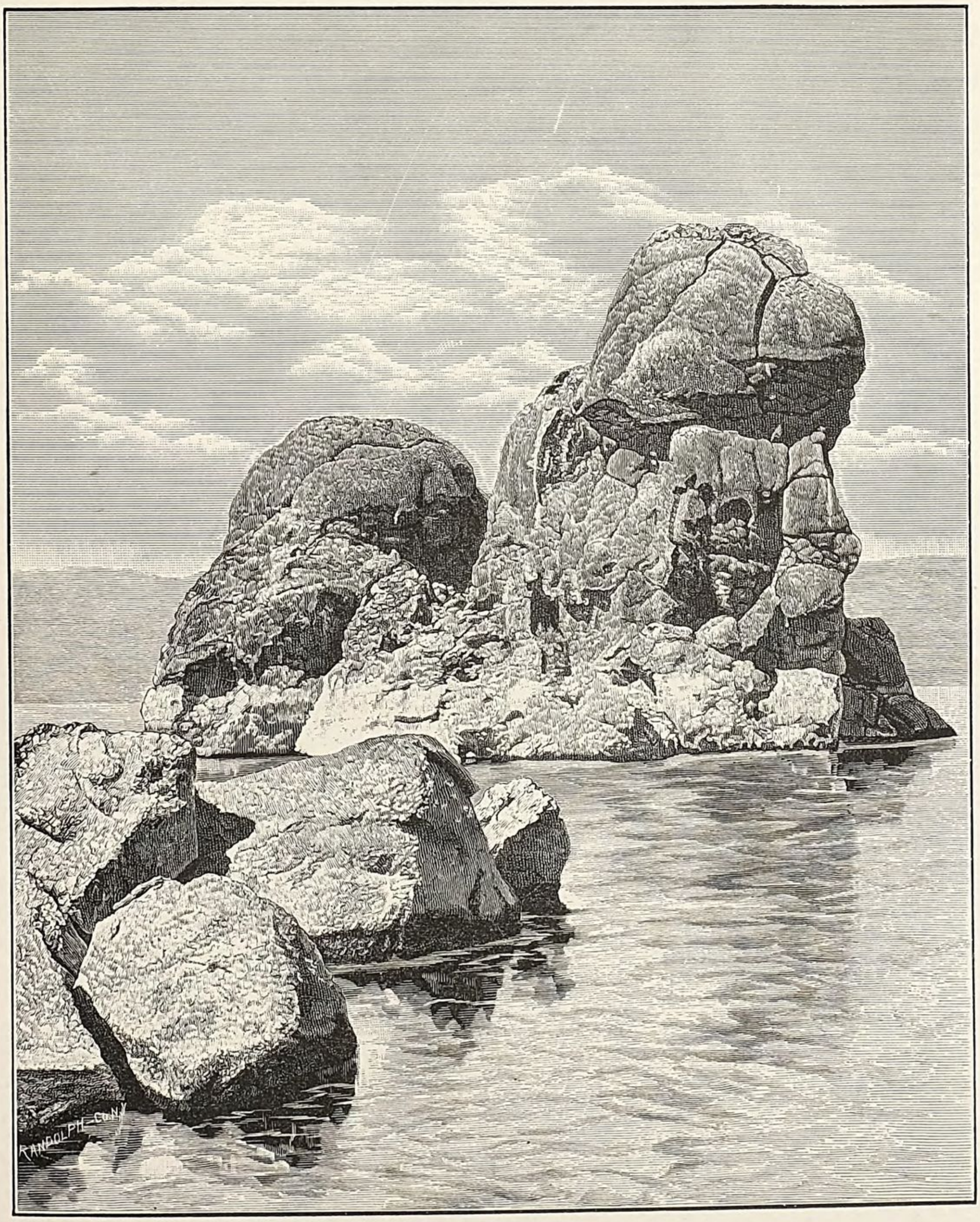
The positive element in the problem is that a marked change did take place in the character of the calcium carbonate precipitated, which is proof of an alteration in the chemistry of the lake waters, unless the question of temperature be considered as of weight in the problem. The assumption that this change was an increase in the percentage of alkaline carbonates in the waters is strengthened by the fact that thinolite has only been found in this country in basins characterized by the presence of these salts, viz, in the Lahontan and Mono basins. In the Bonneville basin, tufa was deposited on quite an extensive scale, but it did not assume the form of thinolite. Since that basin last overflowed its waters have been concentrated until they are strong brines, without producing the conditions necessary for the formation of thinolite. It is evident, therefore, that some element in the chemistry of the lakes on the western border of the Great Basin, in which they differed from their sister lakes to the eastward, determined the crystalline form of the calcium carbonate precipitated from them. This difference was most probably the greater richness of the western lakes in alkaline carbonates.

It has already been pointed out that lithoid and dendritic tufa must have been deposited from the same solution under slightly varying conditions, for the reason that narrow bands of these varieties alternate with one another. A similar alternation of thinolite and dendritic tufa has been ob-

served in many places, which seems evidence that these varieties were deposited from the same waters under somewhat diverse conditions. A characteristic feature of inclosed lakes is their inconstancy of level. It seems evident that the banded character of the tufa deposits may be correlated with fluctuations of the lakes in which they were formed. In the case under consideration, we may reasonably assume that when the waters were concentrated, thinolite was crystallized; when they became somewhat dilute, the tufa assumed the dendritic form. Finally the lake rose and remained for a long time above the thinolitic limit and only the dendritic variety was deposited. Our observations lead to the conclusion that the changes from conditions favoring the crystallization of thinolite to those admitting of the formation of dendritic tufa or *vice versa*, during certain stages of the lake, were very slight. It appears quite probable that the alternation of thin layers of these varieties of tufa may record alternate arid and humid periods. That they are not annual growths, thinolite being formed during the summer and dendritic tufa during the winter, is evident from the fact that the quantity of calcium in even the thinner layers is too great to have been contributed to the basin within a single year.

Professor Dana's studies have shown that thinolite is a pseudomorph, but what the antecedent mineral may have been still remains an enigma. Geological observations when considered by themselves tend to the hypothesis that the waters in which thinolite was formed were charged with sodium carbonate, and that the crystals now represented by the thinolite were a compound of soda and lime, presumably as the double carbonate. Professor Dana has shown, however, that this postulated mineral could not have been gaylussite (as supposed by King) and, in fact, was not any natural or artificial crystal that has been recognized. It appears as if the unknown mineral must have been produced by a delicate adjustment of the chemical conditions of lake waters—in which the influence of the mass and of temperature perhaps played an important part—which has not been observed in nature or reproduced in the laboratory. In reference to the chemical nature of the original mineral Professor Dana says:

"The description of the original crystalline form of the thinolite, so far as it can be made out, is sufficiently complete to give an emphatic neg-



TUFA DOMES IN PYRAMID LAKE, NEVADA.

ative answer to the question as to the nature of the original mineral. It was *not* gaylussite, nor gypsum, nor anhydrite, nor celestite, nor glauberite, nor, in fact, any one of the minerals which might suggest itself as a solution of the problem. The crystalline form is totally irreconcilable with any of these. This is so clear, from what has gone before, that the question admits of no argument at all. But more can be said: the original mineral was one which does not appear thus far to have been observed in its natural condition, although, as will be shown later, it probably has occurred abundantly at numerous other localities. Furthermore, a review of all the artificial salts of calcium, sodium, and magnesium has failed to bring to light any one which would satisfy the conditions required.

"It seems, therefore, that any explanation of the original condition of the thinolite beds of Lake Lahontan must at present rest on hypothetical grounds, and much as a definite solution of the problem is to be desired, it is not now attainable. A few suggestions may not be out of place here, ... The open skeleton forms, consisting now of crystallized calcium carbonate, make it seem very probable that the original mineral was a double salt, and that a salt containing calcium carbonate as one of its members. Only on such a supposition is it easy to understand the removal of so large a part of the original material and the leaving behind of these plates of calcium carbonate, marking the original crystalline structure. Whether the original crystals were or were not solid throughout, at the time of their formation, it is not possible to say now with certainty; very probably they varied much at different points in this respect. From the analogy of soluble salt deposited rapidly from aqueous solutions, it seems likely that open, cavernous forms were common, perhaps the rule. But even supposing this to be true, no one can inspect such groups of skeleton crystals as those from the Marble Buttes without seeing that what now remains is only a part of what originally crystallized out of the saline waters of Lake Lahontan. This fact, coupled with the other just mentioned, that the remaining skeleton consists of crystallized calcite in granular form, gives, a very important hint as to the changes which these crystalline beds have undergone. The successive steps may have been as

The deposition of crystals as the lake waters evaporated; (2) [illegible] conditions, *e. g.*, an addition of fresh water to the lake (as suggested by King), leading to the solution of a part of the substance of the crystals and the simultaneous recrystallization of the remaining calcium carbonate; (3) the subsequent and independent deposition of the carbonate, solidifying and coating over the skeleton forms.[69] The conclusion reached by Mr. King, that the original mineral was gaylussite, satisfies the requirements tolerably well, for it is then necessary only to explain the removal of the sodium carbonate, and the calcium carbonate remains behind. Unfortunately for this hypothesis, it is impossible to reconcile forms which now remain, showing how the original mineral crystallized with the monoclinic forms of gaylussite.[70] Furthermore, Mr. Russell finds several other grounds, independent of this crystallographic proof, for the belief that the supposed enormous deposit of gaylussite could not have taken place. But if not gaylussite, what was the original mineral?

"It is hardly profitable to go beyond the above suggestion, that it may have been a double salt, containing $CaCO_3$, unless the hypothesis can be based upon some observed facts; but fortunately some facts can be pointed to which lead to a possible explanation of the enigma, and which are in any case very suggestive.

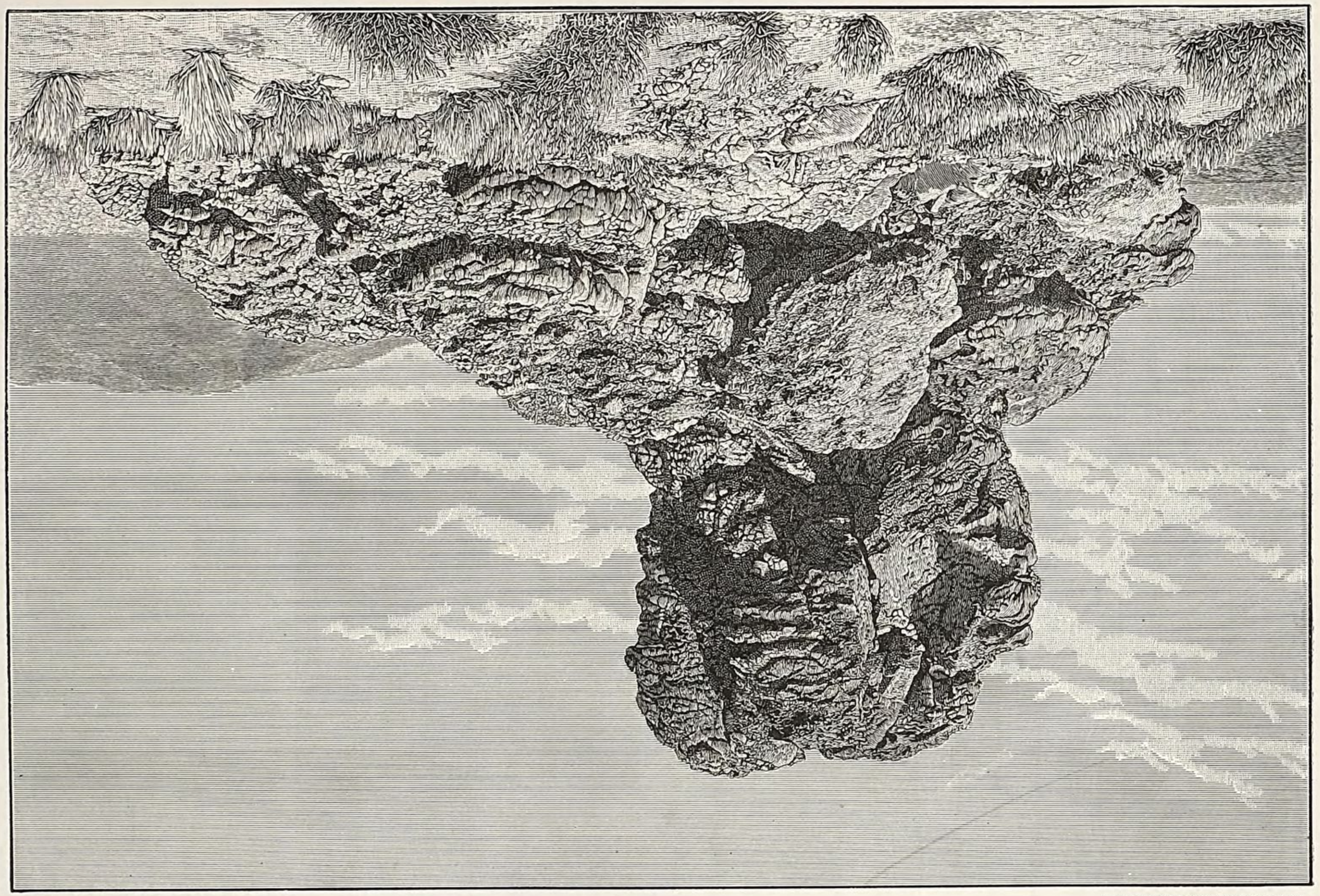
"The only crystalline forms bearing any close resemblance to the acute tetragonal pyramids of the thinolite, of which the writer has any knowledge, are those of the *pseudomorphs of lead carbonate after phosgenite*, first described by Krug von Nidda,[71] from the zinc mines in Upper Silesia. This similarity in habit and angle is the more striking, as the thinolite form is an

[69] U. S, Geological Exploration of the Fortieth Parallel, Vol. I, p. 517.

[70] At the time when Mr. King had this subject under investigation he submitted several specimens to the writer for inspection, and he then gave a qualified assent to the conclusion Mr. King had reached in regard to them. One of these specimens, as Mr. King had noted, showed some crystals which bore a remarkably close resemblance to the well-known Sangerhausen pseudomorphs, then generally referred to gaylussite. This similarity suggested identity of origin—a conclusion which (after a further study of the same specimen) the present investigation has confirmed, as noted below—and thus gave apparent support to the gaylussite hypothesis. The other specimens then in hand were somewhat like Fig. 1, on Plate XXXIII, and upon the inspection given them—no opportunity was had for careful study—they gave negative results; a certain outward similarity to the elongated crystals of gaylussite from South America (called *clavos*, nails) was noted, but nothing more definite.

[71] Krug von Nidda: Ueber das Vorkommen des Hornbleierzes und des Weissbleierzes in den Krystallformen des ersteren in Oberschlesien, Zeitsch. geol. Gesellsch., II, 126, 1850. See also Blum, Pseudomorphosen, Zweiter Nachtrag, 68.

TUFA TOWER ON THE SHORE OF WINNEMUCCA LAKE, NEVADA.



unusual one. A number of these pseudomorphs are in the Blum collection, which became the property of the Yale Mineralogical Museum in 1872. They correspond to the description given by Krug von Nidda. They have the form of a square prism, sometimes terminated by a pyramid having an angle over the extremity of about 36°, and occasionally show traces of an octagonal pyramid; other forms show only a very acute square octahedron, with a summit angle of about 13° in one case and 26° in another. One specimen shows these forms imbedded in a white clay. They are now completely altered to compact, fine-granular lead carbonate, except for the presence of an occasional minute nucleus of the original mineral.

"The hypothesis to which this resemblance leads is this: that *the original mineral may have been chloro-carbonate of calcium isomorphous with phosgenite;* that is, a mineral having the composition $CaCO_3+CaCl_2$ isomorphous with $PbCO_3+PbCl_2$, and now altered to $CaCO_3$, as in the phosgenite to $PbCO_3$. The hypothesis, as far as the crystallographic relations are concerned, is a most natural one. The difficulty arises when we consider the peculiar nature of calcium chloride, and hence question whether an anhydrous molecular compound of calcium carbonate and calcium chloride could have been deposited from the waters of Lake Lahontan. Obviously this is a subject for synthetic experiment, and whatever the nature of the original mineral, it ought to be possible to approximate to the conditions under which it was made and so to reproduce it. It is to be hoped that the work now being carried forward by the chemists of the Geological Survey may lead to some decisive results in this direction.

"In the meantime it is interesting to note the only case in which, so far as the writer can ascertain, a chloro-carbonate of calcium has been formed. The experiments are described by Fritzsche in the Bulletin of the St. Petersburg Academy for 1861, and reprinted in the Journal für praktische Chemie.[72] He states that on evaporating the solution of crystallized calcium chloride, prepared in large quantities for technical purposes, there remained a small amount of a sandy powder, which kept a yellowish aspect so long as the calcium chloride solution was concentrated, but in a dilute

[72] J. Fritzsche: Ueber ein Doppelsalz aus kohlensaurem Kalk und chlorocalcium. Jour. prakt. Chem., LXXXIII, 216, 1861.

solution became finally white. When some of the crystals were placed on a glass slide under the microscope, and then water poured upon them, it was observed that they for a moment were completely transparent and underwent no change; soon, however, the surface became clouded, and then a granular separation took place gradually. As the $CaCl_2$ was dissolved they entirely lost their transparency, and finally there remained *only a skeleton of calcium carbonate corresponding in form and size to the original crystal.* These fell to pieces when touched, and there resulted minute spherical masses of probably amorphous carbonate. This salt was found to have the composition $2CaCO_3+CaCl_2+6H_2O$. The crystals were shown by v. Kokscharof to belong either to the orthorhombic or monoclinic system. It is not to be supposed that this salt of Fritzsche is in any way an explanation of the thinolite enigma, and yet his observations are of great interest in this connection. In order to complete the subject the fact may be noted that Berthier speaks of forming a compound of calcium-carbonate and chloride by fusion.

"Another hypothesis may be offered as to the composition of the original mineral, viz: that it was a double salt of calcium and sodium, perhaps conforming to the formula $CaCO_3+NaCl$, or better $CaCO_3+2NaCl$, which, it is possible, might also be isomorphous with phosgenite. This is so purely hypothetical that very little weight can be given to it; still it may not be entirely useless to throw out the suggestion, although various serious objections at once come up to mind. In any case it must be borne in mind that carbonates and chlorides were the salts most likely to be precipitated from the lake water, and calcium and sodium were the prominent basic elements at hand."

The crystals deposited on such an enormous scale in Lake Lahontan are considered by Professor Dana as being of the same nature as the well known Sangerhausen pseudomorphs Similar crystals have also been found at other localities, but for the discussion of these mineralogical relations we must refer the reader to Professor Dana's report, where these matters are considered at some length.

Throughout the Lahontan basin the various deposits of tufa are most abundant on steep rocky slopes and on isolated buttes which were formerly submerged. Its exceptional abundance at these localities is due principally to the fact that the rocky surface afforded stable support for the precipitates deposited upon them; and its preservation is insured because precipitous shores are in general only slightly modified by wave action, and are not favorable to sedimentation. The dash of the waves against sea cliffs may also promote precipitation for the reason that the waters are aerated, thus facilitating the escape of carbon dioxide, the presence of which is necessary to the solution of calcium carbonate. Wherever tufa occurs on the surface of lake beds a solid nucleus may nearly always be found about which the calcium carbonate was deposited. Pebbles and shells lying on the bottom, or rocky points projecting above the mud, were favorable nuclei around which crystallization took place. About such centers mushroom-shaped growths were formed like those shown on Plate XXXVII, or domes and castles of great size were slowly built up. Solid nuclei seem essential for the commencement of these imitative structures, and appear to play the same role as the nuclei in the familiar experiments of crystallizing alum and rock candy. Some of the towers and castles in the Lahontan basin, which contain hundreds and even thousands of tons of tufa, are known to spring from small centers of accretion. When crystallization was once initiated, precipitation appears to have been accelerated and may possibly have been continued in waters that were below the point of saturation. When the crystallization began about a small nucleus at the bottom of the lake the tendency was to build upwards. Owing to this tendency the tufa deposited in isolated localities assumed the form of domes and towers instead of spreading out laterally and forming sheets or thin flat-topped masses.

The fact that calcium carbonate cannot remain in solution in concentrated lake waters, but is precipitated as soon as delivered by tributary streams, indicates that tufa is a deposit of moderately saline waters. In Great Salt Lake little more than a trace of calcium is found, and this probably exists as the sulphate. In Mono Lake about six hundredths of one per cent. has been found by analyses. The dense alkaline waters of the Soda Lakes near Ragtown, and of Abert Lake, Oregon, are free from cal-

cium; yet all of these lakes are fed by waters that hold about the normal amount (0.0088 per cent.) of calcium carbonate found in river waters. When streams and springs enter these highly concentrated lakes, the calcium carbonate they hold in solution is at once precipitated, either in an amorphous or a crystalline condition, and accumulates at the bottom in the form of marl or, in some instances, as oolitic sand. In order that tufa may be deposited about the borders of a large lake it is evident that the calcium carbonate must remain in solution for a considerable time so that it may be carried to distant parts of the lake; hence the lake waters cannot be highly concentrated or else the calcium would be precipitated before reaching points situated at a distance from the mouths of the inflowing streams. From observation we learn that compact lithoid tufa is now being deposited in Pyramid and Walker lakes, which contain about three-tenths of one per cent. of total solids in solution. In the more highly concentrated lakes mentioned in this paragraph, no deposits of tufa have been observed in process of formation. This evidently indicates that a lake in which heavy deposits of calcium carbonate were accumulated could not have been a concentrated solution during the tufa-forming stages. The deposition of marl in lakes of concentrated water has not been observed, but it appears probable that the highly calcareous beds found in the sediments of some of the Quaternary lakes of the Great Basin were precipitated from saline waters. The precise chemical conditions which determine whether the calcium carbonate precipitated from lake waters shall be incoherent and form marl, or whether it shall crystallize on coming in contact with foreign bodies or previously formed crystals has not been determined. Questions of this character are in a great measure beyond laboratory experiment for the reason that large bodies must be dealt with in order to reproduce the conditions of nature.

That the shells of mollusks occur in thousands in both the lithoid and the dendritic tufa, is also proof that the waters of Lake Lahontan were only moderately concentrated at the time these deposits were formed. No traces of fossils have been found in the thinolite crystals.

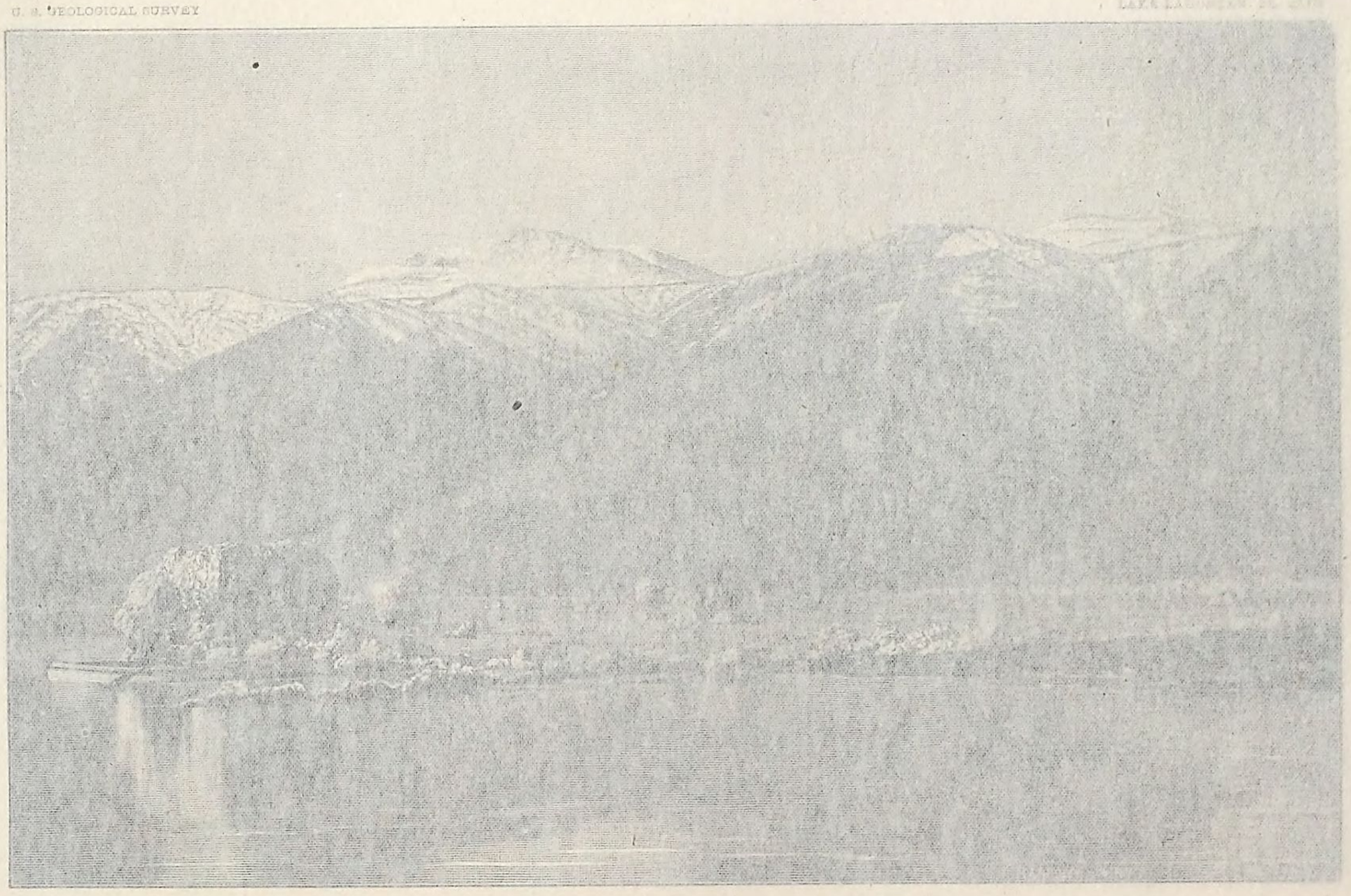
When springs rise in the bottom of a lake a new element is introduced into its chemical history. Sublacustral springs, charged with carbon dioxide

and calcium carbonate, upon mingling with the waters of a lake may part with their dissolved gases and deposit calcareous tufa. Again, the waters of a lake may be such a strong brine that calcium carbonate cannot be retained in solution, as is the case with Great Salt Lake at the present time. In such an instance the calcium carbonate contributed by springs would be precipitated when their waters mingled with those of the lake. Phenomena of this nature have been observed at the Needles, as described on page 61, and may be studied at a number of localities in Mono Lake. This lake, as shown by the analyses given on table C, is a strong solution of the carbonate and the sulphate of soda, chloride of sodium, etc., while many of the springs that rise in it are quite remarkable for their purity, but yet contain a small percentage of calcium carbonate which is deposited about their points of discharge. These accumulations frequently form domes of large size that are porous and tubular in structure, and in many respects resemble those standing in the deserts of the Lahontan basin. In numerous instances the deposits from the springs in Mono Lake form irregular tubes that are clustered together and frequently branch and expand as they grow upwards, thus forming columnar and vase-shaped structures. A most instructive exhibit of this nature is to be seen in the western portion of Mono Lake, near the mouth of Mill Creek. At this locality, a part of which is shown in Plate XLIII, there are as many as fifty or sixty tufa domes standing in from twelve to fifteen feet of water, many of which rise from ten to twelve feet above the surface of the lake. The tops of some of these structures are occupied by basin-shaped depressions, which in a few instances, are filled with water that rises through the irregular tubes and open spaces in the column beneath. The water in these basins is cool and fresh, and overflowing, fountain-like, down the sides of the vases, mingles with the waters of the lake. These structures are still growing by the gradual precipitation of calcium carbonate, which is taking place, however, only above the lake surface. They are nearly always considerably smaller at the lake surface than at the top, and in general form are not unlike the sponges known as Neptune's cups, found in southern seas They are not only striking examples of chemically formed rocks that are of interest to the geologist, but they are fountains of sweet water in the midst of a lake that is utterly

unfit for drinking. In some instances tufa towers ten or twelve feet in diameter, perhaps occurring in clusters, rise twenty or thirty feet above the bottom where soundings show the water to be forty feet deep. From a boat these structures may be clearly seen when sailing over their submerged summits. At times springs rush upward from openings in the tops with such force that their presence is distinctly marked at the surface by a low dome of water.

The formation of tufa finds many illustrations in the Mono basin which will be described more completely in a future report. Only a few examples are mentioned here as supplementing those observed in the Lahontan basin. On the southern shore of Mono Lake, near the Mono Craters, there is an area several acres in extent, bordering the lake, that is covered with thousands of slender tubular columns of tufa from a few inches to three or four feet in height. These are porous and tubular in structure, and must have been built up by the deposition of calcium carbonate from the waters that once rose through them. When the orifice at the top of a column became closed other openings were formed at the side, thus causing the structure to become irregular and sometimes branching. This strange forest of contorted tufa trunks was formed by springs beneath the surface of the lake when it stood at a higher level than at present, and has been left exposed by a recession of the waters.

The similarity in structure between the tufa deposits formed about sublacustral springs in Mono Lake, and the inner core of lithoid tufa in many of the tufa towers now standing in the desiccated basin of Lake Lahontan, is sufficient indication that many of the latter were deposited in a like manner. This explanation, however, cannot be extended to the coatings of thinolite and dendritic tufa enveloping the cores of lithoid. From our present knowledge we may conclude that there are at least two ways in which tufa towers may originate. First, by the direct precipitation of calcareous tufa about nuclei. Second, from the precipitation of the same material from springs rising in lakes that are highly charged with mineral matter in solution.



TUFA DOMES IN MONO LAKE, CALIFORNIA

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TUFA DOMES IN MONO LAKE, CALIFORNIA.

Section 3.—DESICCATION PRODUCTS.

During the centuries that witnessed the deposition of the vast amount of calcareous tufa now found in the Lahontan basin, other salts were contributed to the lake in varying proportions. Upon the evaporation of the waters these more soluble salts were eventually deposited, and, as the lake never overflowed, they must still be retained in the basin.

Instances of the deposition of salts by the evaporation of inclosed lakes are common, and may be illustrated by many examples in the Great Basin. The salt fields in Osobb Valley; the saline deposits left by the evaporation of the Middle Lake in Surprise Valley, California, in 1872; and by the broad salt field now covering the desiccated basin of Sevier Lake in Utah, are all cases in point.

In the Lahontan basin, deposits of this character, which have resulted directly from the evaporation of the former lake are nowhere to be found. The accumulations of common salt, sulphate of soda, etc., occurring in considerable quantities at certain localities, have in all cases been deposited since the evaporation of the former lake. In some instances these accumulations are due to the leaching of saline clays, and the evaporation of the resultant brine in restricted areas, as in the case of the salt fields in Alkali Valley; at other times saline deposits of considerable thickness have resulted from the evaporation of spring waters. Over very large areas the Lahontan beds are frequently whitened with a saline efflorescence, which also owes its accumulation to secondary causes, as will be described a few pages in advance.

Wherever the Lahontan sediments have been examined they have been found more or less highly charged with salts of the same character as those that were most common in the waters of the former lake. The total quantity of saline matter thus imprisoned is certainly very great, and is assumed to represent the more soluble substances contributed to Lake Lahontan.

THE FRESHENING OF LAKES BY DESICCATION.

The apparently anomalous phenomena of the desiccation of a great lake without leaving a surface deposit of salt, seems explicable in only one way. Adopting the suggestion advanced by Mr. Gilbert in explanation of some portion of the history of Lake Bonneville, the absence of saline deposits is accounted for by the hypothesis that they were buried and absorbed by lacustral clays and playa deposits during periods of desiccation.

The freshening of a lake by desiccation may be illustrated in all its stages in the various basins that have been examined in the Far West. A lake after a long period of concentration becomes strongly saline, and finally evaporates to dryness, leaving a deposit of various salts over its bed. During the rainy season the bottom of the basin is converted into a shallow lake of brine which deposits a layer of sediment; on evaporating to dryness, during the succeeding arid season, a stratum of salt is deposited which is, in its turn, covered by sediment during the succeeding rainy season. This process taking place year after year results in the formation of a stratified deposit consisting of salts and saline clays in alternating layers. The saline deposits may thus become more and more earthy until the entire annual accumulation consists of clays. The site of the former lake then becomes a playa. A return of humid conditions would refill a basin of this character, and might form a fresh-water lake, the bottom of which would be the level surface of the submerged playa.

The larger lakes of the Lahontan basin, as well as a number of less importance in eastern Nevada and southern Oregon, are without outlet They occur in basins that in almost all cases were occupied by much larger water-bodies during the Quaternary, which, like their modern representatives, never overflowed. From the long period of evaporation that has taken place, one would expect the existing lakes to be dense mother-liquors. The fact is, however, that they are but slightly charged with saline matter, and in some instances are sweet to the taste and sufficiently fresh for all culinary purposes. In many localities the lacustral beds surrounding and underlying the present lakes are highly charged with soda salts, which rise to the surface during the dry season as efflorescences.

As these lake basins were never filled to overflowing, we are forced to conclude that influx was counterbalanced solely by evaporation, and that during periods of extreme desiccation the saline deposits became buried and absorbed by the marls and clays which accumulated in the valleys.

Having analyses of the waters of an inclosed lake, and knowing also the composition of its tributaries, we can determine, at least approximately, the length of time it has been in existence, provided no salts previously deposited were dissolved when the basin commenced to fill. For the purpose of making a computation of this nature in the case of the lakes now occurring in the Lahontan basin, the following table has been compiled from analyses given in chapter III.

TABLE D.—*Composition of the principal lakes and rivers of the Lahontan basin.*

LAKES.

In 1,000 parts of water.	Pyramid (average of 4 analyses).	Walker (average of 2 analyses).	Winnemucca.	Average.	Probable combination in average composition.	
Silica (SiO_2)	0.0334	0.0075	0.0275	0.02280	Silica (SiO_2)	0.02517
Calcium (Ca)	0.0089	0.02215	0.0196	0.01688	Calcium carbonate ($CaCO_3$)	0.03221
Magnesium (Mg)	0.0797	0.0383	0.0173	0.0451	Magnesium carbonate ($MgCO_3$)	0.20483
Potassium (K)	0.0733	trace	0.0686	0.04730	Sodium carbonate ($NaCO_3$)	0.48327
Sodium (Na)	1.1796	0.85535	1.2970	1.11065	Potassium chloride (KCl)	0.09894
Sulphuric acid (SO_4)	0.1822	0.5200	0.1333	0.2785	Sodium chloride (NaCl)	1.94244
Chlorine (Cl)	1.4300	0.58375	1.6934	1.23488	Sodium sulphate (Na_2SO_4)	0.40195
Carbonic acid (CO_3) by difference	0.4990	0.47445	0.3458	0.43975	Total (99.00 per cent. accounted for)	3.18881
Total	3.4861	2.50150	3.6025	3.19586		

RIVERS.

In 1,000 parts of water.	Humboldt.	Truckee.	Walker.	Average.	Probable combination in average composition.	
Silica (SiO_2)	0.0326	0.0137	0.0225	0.0229	Silica (SiO_2)	0.0219
Alumina (Al_2O_3)	0.0013			0.0004	Alumina (Al_2O_3)	0.0004
Calcium (Ca)	0.0489	0.0093	0.0228	0.0270	Calcium carbonate ($CaCO_3$)	0.0675
Magnesium (Mg)	0.0124	0.0030	0.0038	0.0064	Magnesium carbonate ($MgCO_3$)	0.0224
Potassium (K)	0.0100	0.0033	trace	0.0044	Sodium carbonate ($NaCO_3$)	0.0294
Sodium (Na)	0.0467	0.0073	0.0318	0.0286	Potassium carbonate (KCO_3)	0.0015
Sulphuric acid (SO_4)	0.0477	0.0054	0.0284	0.0271	Potassium chloride (KCl)	0.0064
Chlorine (Cl)	0.0075	0.0023	0.0131	0.0076	Sodium chloride (NaCl)	0.0076
Carbonic acid (CO_3) by difference	0.1544	0.0287	0.0576	0.0802	Sodium sulphate (Na_2SO_4)	0.0393
Total	0.3615	0.0730	0.1800	0.2046	Potassium sulphate (K_2SO_4)	0.0011
					Total (99.98 per cent. accounted for)	0.1975

Commencing with the simplest instance, we have in the case of Walker Lake an inclosed water-body which receives its entire supply from the Walker River. The total quantity of saline matter contained in the lake water is 13.89 times as great as in an equal volume of river water. It follows, therefore, that nearly fourteen times the present volume of Walker Lake has been evaporated in order to bring the waters to their present degree of salinity. If we know the average annual influx, we can determine the length of time required to bring the lake to its present density. From the very few measurements available, we have assumed 200 cubic feet per second, or 700,000,000 cubic yards per annum, as the average discharge of the Walker River at the present time (see page 44). The volume of the lake, as determined from the data given on Plate XV, is 13,159,000,000 cubic yards. It would therefore require between eighteen and nineteen years for the river to supply water enough to fill the lake basin to its present extent. As the total saline content of the lake amounts to about fourteen times what would be contained in an equal bulk of river water, it would require 260 years for the river, with its present volume, to supply the amount of saline matter now dissolved in the lake, provided there had been no loss of the salts contributed. Observations have shown, however, that calcium carbonate is being deposited from the waters of the lake. A comparison of the analyses of the lake and river waters given on pages 46 and 70, shows that there is even less of this salt in the lake than in an equal volume of the river water. All of the calcium now contributed is apparently at once precipitated. The remaining salts occurring in the lake are more soluble than calcium carbonate, and we have no reason to suppose that any of them are being precipitated. Dropping calcium carbonate from the analyses, and considering the remaining salts only, we learn that in these the lake is 19.66 times as rich as the river waters. Making the computation as before, but using the last mentioned value for the relative salinity of the lake and river, we find that it would require 343 years for the river to supply the amount of salt now contained in the lake.

Approaching the question in another manner, it is evident that we may determine the annual inflow, providing the annual evaporation is known,

for the reason that the inflow and the evaporation now counterbalance each other. There are no observations on the rate of evaporation in this region, but in a similar calculation relating to Great Salt Lake, Mr. Gilbert, after considering all the data available, has assumed 6 feet per annum as the loss by evaporation. In the comparatively fresh waters of Walker Lake the rate of evaporation under the same atmospheric conditions must be considerably greater than in the nearly saturated brine of the Utah Lake. In order not to overestimate, however, we will assume the same rate of evaporation in Walker Lake that has been adopted in the case of Great Salt Lake, viz., 6 feet per annum. The area of the lake is 118 square miles, or 365,516,800 square yards; an annual loss of 6 feet by evaporation gives 731,000,000 cubic yards as the total annual evaporation. This estimate was made independently of the former, but the data in each case are necessarily indefinite, and the close approximation in results is not an indication of accuracy.

The average depth of Walker Lake is 118 feet, and as the waters are 19.66 times as saline as those of the river, omitting calcium carbonate from each, it would evidently require the evaporation of a lake of fresh water of the present size and 2,320 feet deep to produce the amount of saline matter now held in the lake. Evaporation taking place at the rate of 6 feet per year, it would require 370 years to reduce this hypothetical lake to the present volume of Walker Lake. Before drawing any conclusions as to the length of time that the present lakes of the Lahontan basin have existed, we may make a more general calculation of the same nature as the above.

Let us suppose the three principal lakes of the Lahontan basin united, and supplied by the three rivers of which we have analyses, viz., the Humboldt, the Truckee, and the Walker. We should have a lake 1,300 square miles in area, with an average depth of 117 feet, and containing 26.71 times the percentage of salt held by the average of the tributary streams, not including $CaCO_3$. To obtain a water-body of this degree of salinity from the concentration of the river-waters would require the evaporation of a lake of the area of the assumed one and 3,125 feet deep. Evaporation taking place at the rate of six feet per year, it would require 521 years for the waters to be condensed to the degree represented by the present lakes. This estimate

has been made without considering the amount of saline matter brought into the lakes by springs; and assumes that no salts remained in the basin when the process began. We know, however, that very large quantities of various salts are contributed to the lakes of the Lahontan basin from subterranean sources. Any conclusion derived from the above considerations must be weighted by the fact that the analysis of the rivers were in all cases of samples collected outside the old lake basin, and therefore not affected by the substances derived from the richly saline clays and marls of Lahontan date, through which they carved channels sometimes a hundred miles in length before reaching the lakes into which they empty. The present lakes also derive large quantities of foreign matter from the temporary rills that are formed after the infrequent storms and are charged with the salts derived from the efflorescences formed on the surrounding desert surfaces during the arid season. It is true that the data we have used for computing the flow of the rivers as well as for obtaining the average annual evaporation are based upon very incomplete observations, but we feel confident that future study will show these estimates to be below rather than above the reality. With all these considerations in view, it seems evident from the calculations we have made, that the lakes of the Lahontan basin could not have existed under the present conditions for more than a few centuries at the most without being far more saline and alkaline than we now find them. From the hypothesis of the freshening of lakes by desiccation we conclude that the basin of Lake Lahontan was completely desiccated for a period, ending, we will say, about three hundred years ago, which was sufficiently long to allow of the burial of any saline deposits that may have been left from the evaporation of previous water-bodies in the same basin. By complete desiccation we mean that the various secondary basins formerly flooded by Lake Lahontan became sufficiently dry during successive years, or at intervals of a number of years, to admit of the formation of playa-lakes and playas, and the burial and absorption of saline matter beneath playa deposits. That this was the actual condition of the various valleys composing the Lahontan basin at no distant date is rendered still more probable by the fact that the bottoms of all the lakes of the region

are level-floored, and have the same general contour as many neighboring valleys which are occupied by playas.[73]

Applying this line of argument to all the inclosed lakes of the Great Basin, we find, with the exception of Great Salt and Sevier Lakes—the Soda lakes near Ragtown, Nevada, and Mono Lake, not being considered, as they are of an exceptional character—that there is not a lake among the number that could have undergone the present rate of concentration for more than a very few centuries without being far more saline than we now find it. By consulting Table C, it will be seen that with the exceptions we have mentioned there is not a lake in the arid region of the West that contains more than one-fiftieth of the quantity of the more common salts necessary for saturation. This appears to be *prima facie* evidence that these lakes have undergone some process by which their salts have been eliminated within very recent times. In the case of Great Salt Lake we find an exception not only in the amount of saline matter it holds in solution, but also in its environment. With this exception, all the lakes of the Great Basin occupy narrow valleys in which a lake on evaporating would deposit its salts in a comparatively restricted area, thus favoring their burial by playa deposits. The basin of Great Salt Lake, on the other hand, is not only of broad extent, but receives its entire water supply from one side, and is thus unfavorable in its topographical relations for the burial of products of desiccation beneath playa deposits. The present density of this lake may therefore be due to the fact that its salts were not buried during a time of desiccation which admitted of this result in smaller basins; consequently, when the valleys were reflooded, the lakes in the smaller basins were fresh, while in the larger one the unburied saline deposits left by the evaporation of the former lake were redissolved.

The order in which a number of inclosed lakes in an arid region like the Great Basin, will become dry during a time of more than usual desiccation, depends on many conditions; one of the most important of which is the ratio of evaporating surface to elevated catchment basin. A lake whose hydrographic basin is low will be extremely sensitive to climatic

[73]A comparison of the lake basins of the Lahontan region with the depressions holding the Laurentian lakes, shows that the bottoms of the former are more nearly horizontal and far more regular than those of the latter.

oscillations; while one receiving the drainage from a lofty mountain range may be but slightly lowered by a climatic change that would produce desiccation in a neighboring valley. From this and other allied reasons, Great Salt Lake may not have been evaporated to dryness during the time that the lakes of western Nevada completely disappeared.

The only analysis we have of the waters of Sevier Lake gives 8.64 per cent. as the total of saline matter in solution. The sample analyzed was collected in 1872; ten years later the lake was almost completely desiccated, and its site converted into a field of salt. We have classed this as a playa lake, and do not consider it of importance in the present discussion, as it not only varies greatly in salinity, owing to variations in volume, but is also so situated that it receives the drainage of a broad desert and must receive large quantities of saline matter from the efflorescences formed each year on the neighboring land surface.

A comparison of the molluscan life of Pyramid and Walker lakes with Lahontan fossils indicates that a marked change has taken place in the fauna of the basin since the last high-water stage of the old lake. This question is considered in the chapter devoted to the life history of Lake Lahontan.

Section 4.—Efflorescences.

In the preceding pages we have had occasion to speak of the saline incrustations, or efflorescences, to be seen over large areas in the Lahontan basin. It is now our purpose to describe these accumulations more fully. They originate in the saline lacustral clays which floor all the valleys once occupied by the ancient lake, and usually occur in greatest abundance on the borders of the larger deserts, where they not uncommonly whiten the surface over many square miles. In tracing their distribution it is noticeable that they occur most abundantly in those portions of the valleys that are underlaid by the clays deposited directly from suspension in the ancient lake, but are not found on the surfaces of many of the more modern playas which occupy the lowest depressions in the various basins, thus showing that the recently formed playa-beds are in many instances less saline than the true lacustral clays.

The genesis of the efflorescent salts that appear on desert surfaces is not difficult to explain. During the rainy season the clays become saturated with moisture, but on the advance of summer they dry at the surface at the same time that moisture rises from below through the action of capillary attraction. The waters saturating the beds are rendered saline by the salts they dissolve from the clays, and on evaporating at the surface deposit all foreign matter as a surface incrustation. The incrustations thus formed are frequently five or six inches in thickness. They frequently dissolve and disappear during the winter, only to reappear when the heat of summer dissipates every drop of moisture from the surface of the deserts.

From the manner in which saline efflorescences are formed, it is evident that they give a very fair indication of the character of the more soluble salts impregnating the lacustral beds which floor the valleys. The analyses inserted below are of representative samples gathered on the surface of the deserts at widely separated points in the Lahontan basin, and may be taken as indicating approximately the relative abundance of the more soluble salts in the sediments of the ancient lake. Local variations occur, but in general they consist mainly of the more common salts of soda, as has been shown by qualitative tests of a large number of samples in addition to the quantitative analyses here introduced,[74] which were made by Dr. T. M. Chatard. Sample No. 1 is from the surface of the desert, a few miles north of the northern end of Walker Lake. No. 2 is from near Black Rock Point in the Black Rock Desert. Efflorescent incrustations are nearly always mingled with portions of the sand and clay on which they rest, but in the following analyses only the portion soluble in water is considered:

Constituents.	No. 1.	No. 2.
	Per cent.	*Per cent.*
Silica (Si_2O)	1.96	2.18
Potassium chloride (KCl)	1.18	1.39
Sodium chloride (NaCl)	2.53	59.32
Sodium borate ($Na_2B_4O_7$)	4.15	1.00
Sodium sulphate (Na_2SO_4)	17.49	27.05
Sodium carbonate ($NaCO_3$)	72.69	9.06
	100.00	100.00

[74] See also Reports of U. S. Geological Exploration of the Fortieth Parallel, Vol. I, Table of chemical analyses, No. V.

The total quantity of saline matter occurring as an efflorescence on the deserts of the Lahontan basin would be found very great could it be reckoned in tons. At many places it is of economic importance for the common salt, sodium carbonate, boracic acid, etc., that it contains. The industries arising from the commercial value of these deposits, although limited at the present time, may be increased, at least so far as the gathering of common salt is concerned, almost without limit, the supply in many localities being far beyond any demands that are likely to be made upon them.

A good illustration of the nature of the salts impregnating the Lahontan sediments is furnished by an examination of the various salt-works located within the lake basin.

BUFFALO SPRINGS SALT WORKS.

At the Buffalo Springs Salt Works, situated on the west side of Smoky Creek Desert, the brine from beneath the desert is allowed to collect in wells, and is then pumped into vats at the surface and left to evaporate. The crust of salt that remains is then gathered and is found sufficiently pure for all domestic uses. About 250 tons are annually collected, the total amount produced since the works were started being not far from 1,500 tons. When fresh water is caused to flow over the surface of lake-beds in the vicinity it soon becomes strongly saline, and when it gathers in hollows and evaporates it leaves a crust of salt that is sometimes several inches in thickness. This method is employed, to some extent, for obtaining the less pure grades used principally for chloridizing silver ores

Two miles east of the works there are level, pond-like areas on the surface of the desert that are usually covered with a white efflorescence some inches in thickness. Other depressions are soft and completely saturated with bitter brine. In some, there are deposits of sulphate of soda at least several feet in thickness, but never probed to the bottom. When examined by the writer, these sulphate beds were covered to the depth of several inches with mother-liquor or soft mud that rendered the surface unsafe to walk upon. The whole desert region, on the edge of which the

Buffalo Salt Works are situated, is one vast stretch of yellowish mud, without vegetation, impassable except during the dry season, and locally known as the "mud lakes." The salt obtained from the wells of the salt works and the sulphate of soda, and other minerals found on the surface near at hand, are all derived from the salts impregnating the Lahontan Lake beds.

The brine from the wells has been analyzed by Mr. F. W. Taylor, of the National Museum, with the following result:

Specific gravity, 1.1330.

Silica in solution	trace
Calcium sulphate	0.1467
Magnesium sulphate	.8833
Potassium sulphate	.3111
Sodium sulphate	.5306
Sodium chloride	14.8383
Water	83.2900
	100.0000

EAGLE SALT WORKS.

Another locality favorable for the study of the desiccation products of Lake Lahontan is at the Eagle Salt Works, situated near the Central Pacific Railroad, about 18 miles east of Wadsworth. The long valley in which they lie was a strait during the higher stage of Lake Lahontan. When the water fell about 100 feet the region where the salt is now found became a bay, connected with the Carson division of the lake through the Ragtown Pass. The country about the works is a desert mud plain, much of which is covered during the summer by a white saline efflorescence. The method here employed for obtaining the salt is to dissolve the crust that is formed on the surface of the desert and allow the saturated water to gather in shallow vats and evaporate. The water from springs on the eastern edge of the plain is conducted over the surface of the lake-beds, and made to flood small areas inclosed by low dams or ridges of clay. From the flooded areas it soaks through the clay ridges and enters shallow vats dug in the lake-beds on either side, where it evaporates and deposits its salts. The areas inclosed by clay ridges and flooded by the fresh water are called "reservoirs" by the workmen, and the long troughs between them, where the brine evap-

orates, are known as "vats." These are arranged alternately and may be multiplied to any extent. A profile through a reservoir and the vats on either hand is shown in the diagram.

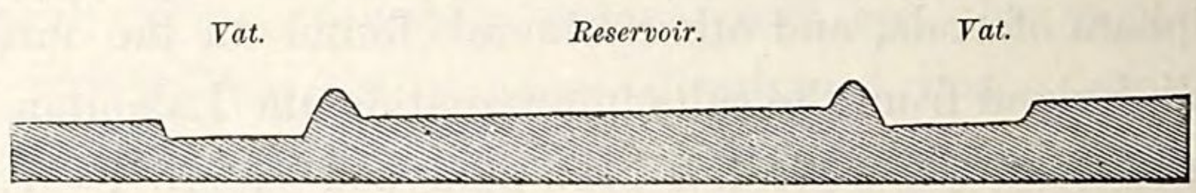

FIG. 30.—Section of reservoir and vats at Eagle Salt Works, Nevada.

The lake deposit here is a fine greenish mud or clay, and is so completely saturated with brine that a thick crust is formed on the surface by efflorescence every dry season. The salt, being supplied from the beds below the surface, is renewed every summer, thus allowing a series of crops to be gathered from the same ground.

A sample of brine from a vat in which the salt had begun to crystallize was analyzed by Mr. Taylor, with the following result:

Specific gravity, 1.2115.

Silica (insoluble)	.0028
Iron and alumina (insoluble)	.0004
Calcium sulphate	.2897
Calcium chloride	.3578
Magnesium chloride	.3787
Potassium chloride	.0023
Sodium chloride	25.3793
Water	73.5890
	100.0000

The annual yield of salt during the past ten years is reported to have been about 2,500 tons. The production has been determined solely by the demand. The amount that could be collected by the simple process of leaching the saline lake-beds and evaporating the saturated waters is practically without limit.

SAND SPRING SALT WORKS.

The most instructive salt field in the Lahontan basin is situated at the eastern end of a long, barren valley, joined to the Carson desert on the southeast by a narrow pass, and known as Alkali Valley. The floor of this valley, when left dry by the evaporation of Lake Lahontan, had the same general level as the Carson desert, and the lake-beds may be traced through the pass from one desert to the other. In riding from the Carson desert eastward into Alkali Valley, one comes to a line crossing Alkali Valley from

north to south, beyond which the surface of the desert has a gentle inclination eastward. The surface of the lake-beds when first deposited was horizontal, and the present inclination is due to a fault crossing the valley with a north and south strike, and to the tilting of the orographic block on which the eastern portion of the valley is situated. The tilting of the floor of the valley resulted in the establishment of a drainage to the eastward for the surface waters, and the formation of a small lake at the eastern end of the valley near Sand Springs. During the winter the water collects there, forming a sheet of brine of variable size, sometimes covering 10 or 15 square miles of surface, but with a depth of only a few inches. In the summer the water evaporates and adds to the layers of salt previously deposited.

The deposit of salt thus accumulated is from 3 to 5 inches thick near the margins, and is said to have a depth in the central portion of the basin of not less than 3 feet. It is gathered by simply shoveling it into barrows and wheeling it out on to firm ground, where it is piled in huge heaps ready for transportation.

The surface of the inclined lake-beds draining to the salt fields is absolutely destitute of vegetation, and usually exhibits no saline efflorescence, since this is dissolved away to supply the salt field. The soil, like that beneath the accumulated salt, is a fine, greenish, saline clay, and may be readily examined in the sides of drainage channels, which score the sloping surface to the depth of 3 or 4 feet.

The method here arranged by nature for dissolving the efflorescent salts from the surface of the lake-beds and evaporating the saline waters in the restricted basin is practically the same as that employed by man on a smaller scale at the Eagle and Desert Crystal Works.

Associated with the salt obtained at the various salt works are greater or less quantities of the borate of soda and the borate of lime, and in some cases, as at the borax works in Alkali Valley, they attain such importance as to afford a considerable quantity of borax. There are many other localities in the Lahontan Basin where the chloride, the borate, the sulphate, and the carbonate of soda exist, sometimes in large quantities, in the incrustations that form on the deserts, but at present the demand is not sufficient to warrant the working of these deposits for economic purposes.

RÉSUMÉ OF CHEMICAL HISTORY.

The fluctuations of Lake Lahontan, so far as we have been able to determine from the study of its chemical records, may be briefly summarized as follows:

The waters first formed a fresh-water lake having approximately the outline represented on the accompanying map[75]—which indicates the extent of the lake at the highest stage of all—and then evaporated away with many minor oscillations, until a greater degree of desiccation of the basin than the present was attained. During this oscillation the waters were saturated with calcium carbonate and deposited vast quantities of lithoid tufa.

Whether the lake evaporated to dryness or not during the time intervening between the formation of the lithoid and thinolitic tufa remains undetermined. The contrast in the character of the tufa formed before and after this event is thought to indicate a partial evaporation, or perhaps complete desiccation, with the burial of the less soluble salts. This is the inter-Lahontan period of desiccation.

The waters next rose to about the level of the thinolite terrace, with many fluctuations, and formed at least two and probably three independent water-bodies, which were more highly charged with saline matter than during the first expansion. From this solution, which was probably nearly identical in the various basins, the mineral after which the thinolite is a pseudomorph was crystallized.

The thinolitic stage was closed by a rise of the lake. The waters were diluted, but probably still contained a larger per cent. of saline matter than during the lithoid stage, and the third or dendritic variety of tufa was deposited on an immense scale, but did not attain as great an elevation on the sides of the basin as the first formed tufa.

During these three major oscillations there were many minor fluctuations of level, as is proven by the large number of variations in the tufas formed.

After the precipitation of the dendritic tufa the lake rose higher than ever before, the evidence being furnished by gravel embankments, terraces,

[75] In pocket at end of volume.

and sedimentary deposits (see Chap. IV), and then evaporated away probably to complete desiccation.

During this last subsidence a thin coating of coral-like tufa was formed, followed by the crystallization of a comparatively limited quantity of thinolite.

When the lake approached complete desiccation after the post-dendritic rise, it became divided into a number of independent areas, as during the inter-Lahontan subsidence. It is presumed that all these basins became completely desiccated, probably for a long term of years, and that the salts precipitated were buried beneath playa deposits so completely that when some of the basins were partially refilled, the salts were not redissolved. This period of desiccation—as determined by calculating the time that would be required for the existing lakes to attain their present degree of salinity—is thought to have terminated not more than three hundred years since.

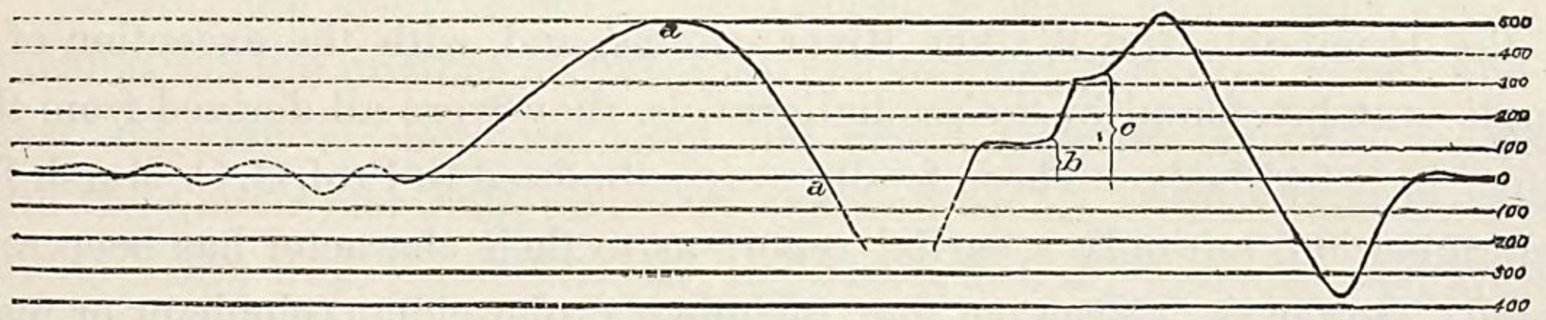

FIG. 31.—Curve exhibiting the rise and fall of Lake Lahontan: *a a*, deposition of lithoid tufa; *b*, deposition of thinolitic tufa; *c*, deposition of dendritic tufa. The figures indicate, in feet, the fluctuations of the ancient lake above and below the 1882 level of Pyramid Lake.

If we project the fluctuations of Lake Lahontan in a curve (Fig. 31), the ordinates representing depths of the lake at various stages, and the abscissas succession in time, we find there are two maxima and two minima. We know that the first of the two high-water periods was the longer continued, for the terraces the waves then cut in the rocks are broader and more strongly marked than the terraces recording the second rise. The second high-water period was of shorter duration, but the lake rose to a higher level than at the first filling.

The salts impregnating the Lahontan sediments, which are now carried to the surface as efflorescences, are believed to have been absorbed from the waters of the ancient lake by the clays and marls forming its bottom, when the lake was greatly concentrated by evaporation.

CHAPTER VI.

LIFE HISTORY OF LAKE LAHONTAN.

The fossils obtained from the sediments and tufa deposits of Lake Lahontan consist of the bones of mammals and fishes; the shells of fresh-water mollusks and of ostracoid crustaceans; the larval cases of a caddis fly; a single chipped implement of human workmanship; and vegetable vestiges of a doubtful nature.

Mammalian bones were obtained at a number of localities in the sides of the Humboldt and Walker River cañons, and, with the exception of a single vertebra found in the medial gravels, they were all derived from the upper lacustral beds. These fossils were submitted to Prof. O. C. Marsh for determination, but only a partial report as to their character has been rendered. So far as determined they include a proboscidian (elephant or mastodon), a horse, an ox, and a camel. The fossils were usually detached and scattered through the sediments, more than one or two bones of the same individual being seldom found at a single locality, except in the case of the elephant or mastodon bones obtained in the Humboldt Cañon near Rye Patch, where nearly an entire skeleton must have been entombed; many of the bones had been removed, however, before the locality was visited by the writer. The failure to obtain mammalian remains from the lower lacustral deposits is of but little weight as negative evidence, for the reason that the beds are imperfectly exposed; a more critical search would, perhaps, reveal an abundance of fossils.[76]

[76] I would suggest in this connection that the disappearance of a number of large mammals from the fauna of this continent since the deposition of the upper Lahontan sediments may have been caused by the extreme aridity which followed the last recession of the lake. An intensely arid climate

The remains of fishes were found at a few localities in the upper lacustral clays exposed in the Truckee Cañon. No determination of these fossils has been made, farther than the fact that they belonged to *Teleost* fishes of considerable size. They probably indicate that the ancient lake was not strongly alkaline or saline, but, on the other hand, they are not proof that it was fresh; as a number of the brackish lakes of the Great Basin at the present time are abundantly stocked with fish. Little weight can be attached to these fossils, however, in determining the character of the former lake, for the reason that they might have been contributed by inflowing streams even though the water of the lake was a strong brine. Dead fish are sometimes found floating in Great Salt Lake, Utah, which must have come from the inflowing streams. These are preserved for a long time by the brine of the lake but must eventually become buried in the sediments now forming at the bottom of the basin, and, when fossilized, will, in a certain sense, form a false entry in the geological records.

During our examination of the Lahontan basin, fossil shells were obtained at a large number of localities, and in many instances were found in great abundance. Both the fossil and recent mollusks collected, together with the similar material previously obtained by Mr. Gilbert from the Bonneville basin, were studied by Mr. R. Ellsworth Call, who also paid a brief visit to each of the ancient lake basins during the summer of 1883, for the purpose of increasing the collections and making himself personally familiar with the peculiarities of the region. The results of Mr. Call's investigations have been published as Bulletin No. 11 of the Reports of this Survey, to which the reader is referred for detailed information in reference to the fossil shells mentioned in the present volume. Besides the shells inclosed in tufas and lacustral sediments there are others, termed semi-fossil, which

certainly followed the disappearance of the Quaternary lakes of the Far West, and, so far as that region is concerned, this would furnish a sufficient cause for the extinction of the large mammals which were formerly abundant. This hypothesis is open to objections, however. Evidence that an arid climate succeeded the Glacial epoch in the eastern portion of this continent has not been recognized. Even if it could be shown that a period of extreme aridity preceded the present climate, it is difficult to understand why certain mammals, as the elephant, mastodon, horse, camel, megalonyx, etc., should have become extinct, while others no more capable of withstanding great changes of environment should have survived. The recent extinction of a number of mammals is an enigma the solution of which would reflect much light on the mutations of faunas during the older and still more obscure portions of geological history.

frequently occur in abundance on the surfaces of the deserts at a distance from existing streams and lakes. Some of these unquestionably lived in the former lake during its last recession and were left strewn over its bottom when desiccation took place; in many cases, however, the surface shells are true fossils that have been separated from their matrix of clay and marl and accumulated in certain areas by the action of the wind. Other "dead shells," of which *Pyrgula Nevadensis* is an example, have only been obtained about the shores of the existing lakes and are probably still living in their waters; these are also termed semi-fossil.

The thousands of shells obtained are all of fresh-water forms, and include 27 species, grouped under 20 genera and 7 families. The genera and species, together with the horizon from which they were obtained, are indicated in the following table:

Table of shells found in the Lahontan basin.

	Lower Lahontan.	Middle Lahontan.	Upper Lahontan.	Semi-fossil.
Margaritana margaritifera, Linn	.....	.....	+	+
Anodonta Nuttalliana, Lea	.....	+	+	+
Sphærium dentatum, Hald	.....	.....	+	+
striatinum, Lam	.....	.....	+	+
Pisidium ultramontanum, Prm	.....	.....	+	+
compressum, Prm	.....	.....	+	+
Helisoma trivolvis, Say	.....	.....	+	+
ammon, Gould	.....	.....	.....	+
Gyraulus parvus, Say	.....	+	+	+
vermicularis, Gould	.....	.....	.....	+
Menetus opercularis, Gould	.....	.....	+	+
Limnæa stagnalis, Linn	.....	.....	.....	+
Limnophysa palustris, Mull	.....	+	+	+
bulimoides, Lea	.....	.....	+	+
Limnophysa sumassi, Bd	.....	.....	+	+
humilis, Say	.....	.....	+	+
Physa humerosa, Gould	.....	.....	+	+
Pompholyx effusa, Lea	+	+	+	+
Carinifex Newberryi, Lea	.....	.....	+	+
Ancylus Newberryi, Lea	.....	.....	+	+
Amnicola longinqua, Gould	.....	.....	+	+
Pyrgula Nevadensis, Stearns	.....	.....	.....	+
Fluminicola fusca, Hald	.....	.....	+	+
Valvata virens, Tryon	.....	.....	+	+
Vallonia pulchella, Mull	.....	.....	+	+
Succinea stretchiana, Bd	.....	.....	+	+
Pupilla muscorum, Linn	.....	.....	+	+
	1	4	23	27

In arranging the fossils according to their geological horizons we have considered the lower lacustral beds as, at least in part, contemporaneous with the lithoid tufa; the medial gravels have been correlated in time with the thinolitic tufa; and the upper lacustral clays with the dendritic tufa.

As indicated in the list, only a single species (*Pompholyx effusa*) has thus far been derived from the lower lacustral clays. This was found in great abundance in the lithoid tufa on Anaho Island, and was equally com-

mon in other localities at a corresponding geological horizon. This is the most abundant and characteristic fossil of the Lahontan sediments; it occurs from the base of the oldest of the tufa deposits all the way through the series, and is one of three species of mollusks found living in Pyramid Lake at the present day.

All the fossil shells obtained are of recent species, and the majority have been found living in the Great Basin. A comparison of the living and fossil forms has shown that the fossils are depauperate, and exhibit greater variations in the size, thickness and sculpture of their shells than occur in living examples of the various genera and species when obtained from regions where they find a congenial environment. In this connection Mr. Call says:

"The wide range of *Pompholyx* in Lahontan beds makes possible a valuable comparison of the same species from localities representing stages of the lake widely separated in point of time. . . . . Specimens taken from the lithoid tufa on Anaho Island, in Pyramid Lake, when compared with those from horizons correlated with the dendritic period present the widest range among individuals. The shells from both localities are higher than Pyramid Lake form, are much thinner, and the coiling of the whorls is much looser. The lithoid tufa specimens present a large proportion of costate forms, the ratio being as 1 to 2, while in recent specimens the ratio is as 1 to 32. The recent species approximate *P. effusa*, var. *solida* Dall, while in sculpture and elevation the earlier forms of the lithoid tufa approach nearest to the typical *P. effusa*, Lea."

Comparative measurements of *Pompholyx effusa* from deposits of lower and upper Lahontan beds, and of specimens found living in Pyramid Lake, show that the average size of the fossils from the older horizon is below that of the Pyramid Lake specimens; while those from the upper Lahontan sediments are larger than the living examples. On comparing the size of the Pyramid Lake specimens with the average of the same species from fresh water localities in the same region, it was found that the shells from fresh water were larger than those obtained from Pyramid Lake, which, it will be remembered, is somewhat saline and alkaline (see analyses, pages 57 and 58). A large number of measurements of fossil and living forms, shows that the

Lahontan fossils are smaller and exhibit greater variation than the same species when living under normal conditions. On comparing the size of *Pompholyx* from Anaho Island (lower Lahontan), "white terrace" (upper Lahontan), and White Pine, Nevada, (living), the ratio of 63: 88: 100 was obtained.[77]

The investigations of conchologists have proven that there are at least three variations of environment which may cause depauperation in fresh water mollusks, viz., salinity, low temperature, and scarcity of food.

As regards salinity, it has been shown that a sudden change from fresh to saline water, i. e., to water resembling that of the ocean, is fatal to fresh-water mollusks. When the change is gradual the life of the species may be maintained until a considerable degree of salinity is reached, but the limit has not been determined, and is known to vary widely with different species. To make the experiments in this direction definite and comparable with the gradual changes which take place in the waters of inclosed lakes, would require a much greater length of time than has yet been devoted to the subject. Enough has been determined, however, to show that a gradual increase in the salinity of a lake would be accompanied with the depauperation and decrease of its molluscan life; should the salinity continue to increase until a condition approximating that of the ocean was reached, the molluscan life would become nearly if not completely extinct. We may reasonably conclude, therefore, that the waters of Lake Lahontan were not strongly alkaline or saline during the time the sediments and tufas so richly charged with fossil shells were deposited. It is perhaps well to mention in this connection that there is no reason to doubt that the mollusks whose shells are found in such abundance actually inhabited the ancient lake. They could not have been contributed by inflowing streams and are not found in exceptional abundance where springs entered the lake. The degree of salinity attained by the ancient lake cannot be determined, but, as we have seen, must have been low, at least during the high-water stages. This conclusion is most definite in the case of the upper lacustral marls which are frequently charged with the shells of *Anodonta*, a genus which, at the present time, is confined to waters of exceptional purity.

[77] These measurements refer to the length of the shells.

In the experiments that have been made in reference to the influence of saline waters on the life and growth of fresh water mollusks, the effect of common salt (sodium chloride) has principally been considered. The lakes of Nevada, however, are characterized by the presence of alkaline carbonates, which it is believed have a more decidedly deleterious effect on the life and growth of fresh water mollusks than common salt. This consideration lends still greater weight to the conclusion that the waters of the former lake were not highly charged with mineral matter during the time the fossil-bearing sediments and tufas were formed.

The condition of several of the enclosed lakes of the Great Basin at the present time, however, indicates that a very moderate degree of salinity and alkalinity is perhaps favorable to the growth of fresh water mollusks. Franklin, Ruby and Humboldt lakes are all more highly charged with salts than is the case with ordinary lakes and streams (the total of solids in solution, however, not exceeding a small fraction of 1 per cent.) but have an abundant molluscan fauna. The inference is that a decided although indefinite degree of salinity is requisite to produce depauperation. In the more strongly saline and alkaline lakes, of which Mono, Abert and Great Salt Lake are examples, careful search has been made for living mollusks but none have been found. These lakes are believed to be entirely destitute of both molluscan and piscine life.

As Lake Lahontan never overflowed, it is safe to conclude that its waters at all times must have been less pure than those of ordinary lakes with outlet. The depauperation of its fossils and their variation in size at various horizons, are thus correlated with known saline and alkaline conditions, which also varied with fluctuations of lake level. We conclude, therefore, that at least one cause of the depauperation of the mollusks now found fossil was the chemical composition of the waters they inhabited.

In reference to the evidence furnished by the Lahontan fossils as to the climate of the Quaternary, a conclusion seems impossible at this stage of the investigation, for the reason that a sufficient cause for the observed variation and depauperation of the shells has been found in the chemical character of the waters in which they lived. If we postulate a cold Quaternary climate, the logical sequence would be a depauperation of the fresh-

water mollusks; but since a similar change would result from the necessary chemical condition of the waters of an inclosed lake in which concentration had been long continued, no definite conclusion as to the effect of the low temperature seems possible. On the other hand, a warm Quaternary climate would presumably be favorable to the growth of mollusks, but even if the climatic conditions were favorable, a more potent element in their environment caused the shells to become depauperate.

Mr. Call's studies have shown that the molluscan fauna of Lake Lahontan was characterized by the predominance of the *Limnæidæ*. This family of mollusks at the present time is of world-wide distribution, but is found most abundantly in cold-temperate and subarctic regions. During the Quaternary it may be presumed to have had a similar isothermal distribution. Thus in a very general way it might be inferred that the Quaternary climate in the region of Lake Lahontan was colder than at present. The wide distribution of the *Limnæidæ*, however, and their known powers of enduring marked changes of environment, render this conclusion of doubtful value. The majority of the molluscan species that inhabited Lake Lahontan are still living in the Great Basin, and so far as this branch of the palæontological evidence bears witness, we see no reason for concluding that the former climatic conditions differed materially from the present. The only safe inference seems to be that the climate of the Great Basin during the life of the mollusks we are considering was not characterized in mean temperature by *extremes* of either heat or cold.

As regards the scarcity of food in Lake Lahontan, in reference to the depauperation of its molluscan fauna, we know that the mollusks now found fossil, like their living representatives, must have subsisted mainly on conervoid growths. This form of vegetable life flourishes not only in fresh, but also in brackish and alkaline waters, as may be seen in the various lakes of the Great Basin at the present time. There is therefore no reason to conclude from the probable composition of the waters of Lake Lahontan that food of the character required by mollusks was not abundant. The profusion of fos-il shells in the sediments and tufas leads to the same conclusion, for without sufficient food molluscan life could not have been so prolific.

The fossils that might be expected to throw the most light on the climatic problem are the mammalian remains, but, unfortunately, up to the present time these have been found in such limited numbers that but little evidence as to the nature of former climatic changes can be derived from them.

Throughout Lahontan history *Pompholyx effusa* was the most abundant species in the molluscan fauna, but only a very few individuals of this genus have been found living in the present lakes of the basin. Moreover, the dead shells of *Pyrgula Nevadensis* occur in profusion on the shores of Pyramid and Walker lakes, but have not been discovered among Lahontan fossils. This species is probably now living in the lakes of the region, as is indicated by the fresh appearance of the shells, in some of which the soft parts of the mollusks are still adhering.

The occurrence of *Pompholyx* throughout the Lahontan series and its rarity in the existing lakes of the basin, as well as the absence of *Pyrgula* from Lahontan fossils, and its abundance in a semi-fossil condition, are believed to indicate that there was an *interregnum* between the time of Lake Lahontan and the beginning of the present lakes of the basin. If our reading of the records is correct, this time of change was a period of extreme desiccation during which the lakes of the region evaporated to dryness, their salts becoming buried beneath playa deposits, and their molluscan life nearly if not completely exterminated.

The absence of *Pyrgula* in Lahontan sediments, and its abundance in a semi-fossil condition about the shores of the present lakes, in which it is now rare, seems explicable on the assumption that it was introduced into the basin at a recent date and found a congenial habitat in the mildly saline waters of Pyramid and Walker lakes. Subsequently these lakes became too saline and alkaline for its existence, and it was nearly if not completely exterminated, so far as they are concerned. The present chemical composition of the lakes in question is believed to indicate about the limit of salinity or alkalinity that fresh-water mollusks can sustain.

The cases of a minute crustacean of the genus Cypris occur throughout the Lahontan series, and at times are so abundant that they form the principal portion of strata for several feet in thickness, as may be seen in

the walls of the Truckee Cañon. At the base of the layer of dendritic tufa exposed along the Humboldt and Truckee rivers this fossil occurs in profusion, frequently intermingled with the shells of *Pompholyx*. On the borders of the Carson Desert the cases of Cypris have been accumulated by the wind in such quantities as to form small drifts resembling sand dunes. What specific name this fossil may bear has not been determined, but species with which it is evidently closely related are known to live in both fresh and salt water. Its value, therefore, as indicating the nature of its environment in Lake Lahontan is indefinite.

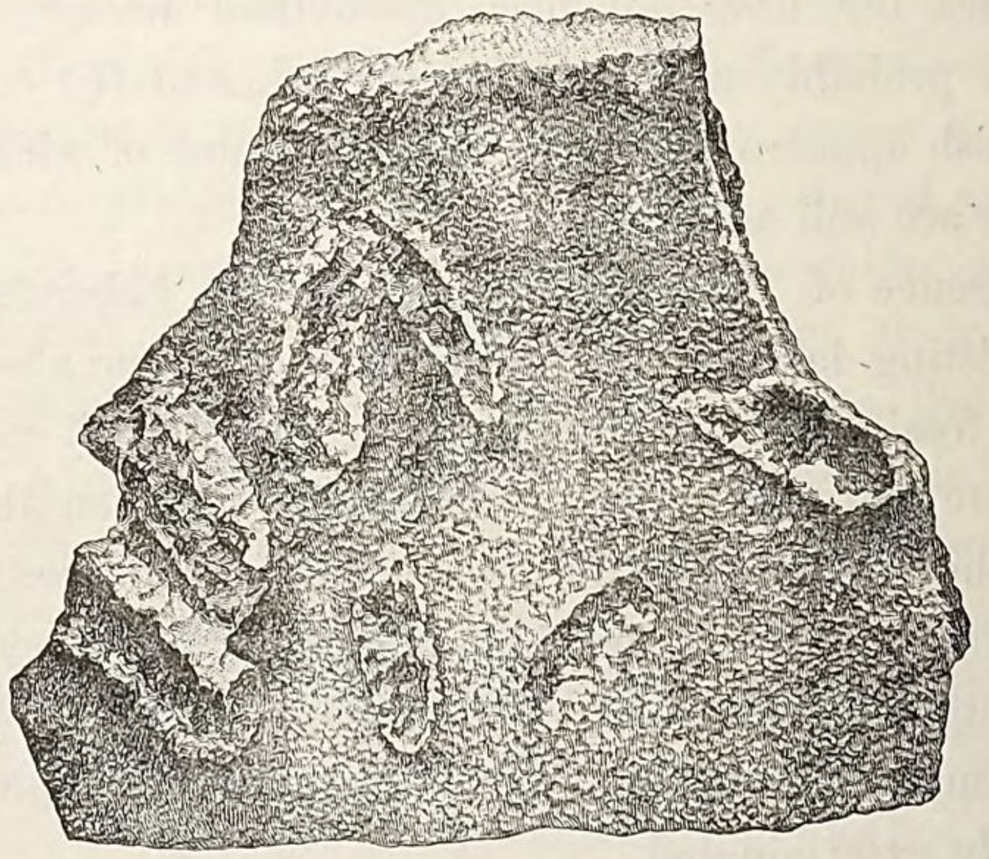

FIG. 32.—Larval cases of a caddis fly encased in lithoid tufa.

At a single locality, the larval cases of a caddis fly were obtained, which were coated over and partially imbedded in lithoid tufa (Fig. 32). This fossil is very similar to the larval cases of the caddis fly now found abundantly in streams and lakes, and, so far as the evidence goes, indicates that the waters in which the fossils were formed were not intensely alkaline or saline.

The worm-like larval cases of a fly occur in the tufa about the Soda Lakes near Ragtown, but these are evidently of quite recent date and cannot be considered as Lahontan fossils.

The fossil from the Lahontan basin that will probably be considered by both geologists and archæologists as of the greatest interest, is a spear-

head of human workmanship. This was obtained by Mr. McGee, from the upper lacustral clays exposed in the walls of Walker River Cañon, and was associated in such a manner with the bones of an elephant, or mastodon, as to leave no doubt as to their having been buried at approximately the same time. Both are genuine fossils of the upper Lahontan period. The spear-head is of chipped obsidian and is in all respects similar to many other implements of the same nature found, commonly on the surface, throughout the Far West. It was discovered projecting point outwards from a vertical scarp of lacustral clays 25 feet below the top of the section, at a locality where there were no signs of recent disturbance. This fossil, which is the only evidence at present known of the existence of man on the shores of the Quaternary lakes of the Great Basin, is represented natural size in the following figure.

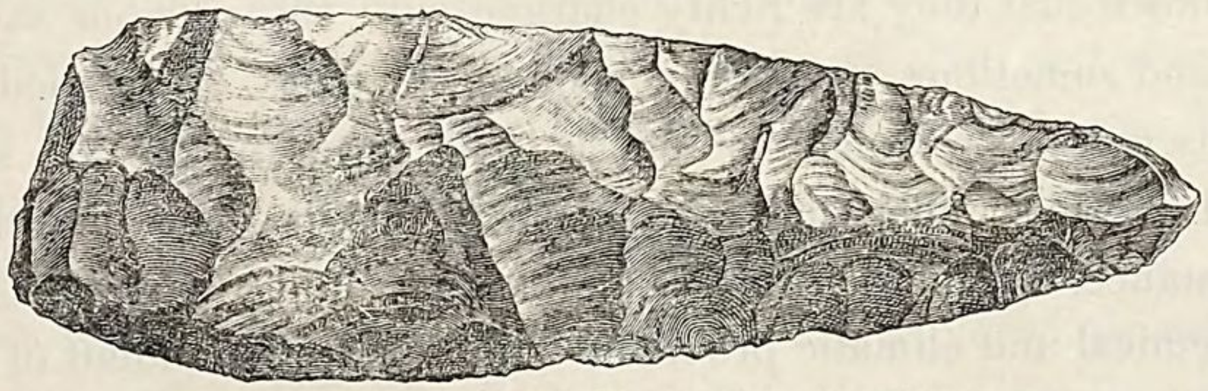

FIG. 33.—Spear-head of obsidian from Lahontan sediments.

The only fossils of a vegetable nature thus far referred to Lake Lahontan are certain problematic, stemlike tubes, from one to two inches in length, and approximately the thirtieth of an inch in diameter, which occur in great profusion at the base of the lithoid tufa on Anaho Island. In some places the lower two or three feet of the tufa is very largely composed of these remains. Our reference of these fossils to the vegetable kingdom is only provisional, however, as they have been examined by several skilled palæontologists without having their relations definitely determined. It has been suggested that they are the casts of grass-like stems, but their uniform diameter and the absence of joints seems to preclude this determination. In describing the variations presented by *Pompholyx* from Anaho Island, Mr. W. H. Dall has spoken of these fossils as the casts of the leaves or needles of the pine;[78] it is possible that this may be the true explanation of the enigma.

[78] Science, Vol. I, 1883, p. 202.

No leaves or vegetable stems of any kind, excepting the fossils mentioned in the last paragraph, have been found among the records of the old lake, and no drift timbers seem to have been deposited in the bars and embankments that have been examined. The absence of such fossils apparently indicates that the shores of the former lake were not heavily wooded. The borders of our Northern lakes at the present day are thickly clothed with forests and their shores encumbered with stranded logs and stumps in such quantities as to have considerable influence on the character of the shore phenomena resulting from wave action. Had the shores of Lake Lahontan been as densely wooded as are those of Lake Michigan, for example, it seems impossible that abundant records of the fact should not have been discovered during our sojourn in the basin.

A superficial microscopical examination of the sediments of the ancient lake has shown that they are richly charged with the silicious skeletons of infusoria, and sometimes abound in sponge spiculæ. A detailed study of these fossils was not practicable, and, as these forms of life are so widely distributed and live under such diverse conditions, it seems doubtful in the present instance, if a more critical examination would greatly assist in solving the chemical and climatic problems with which the student of the Quaternary geology of the Great Basin is principally concerned.

No fossils have been found in the thinolitic tufa, although careful search has been made at many localities. At times shells may be seen in the open spaces between the crystals, but these are believed in all cases to have been accidentally introduced at a recent date. The absence of all life records in this deposit strengthens the hypothesis that the thinolite was crystallized from waters highly charged with mineral matter.

In correlating the various Lahontan deposits we have considered the thinolite as stratigraphically intermediate between the lower and upper lacustral clays, and, at least in part, contemporaneous with the medial gravels. The fossils obtained from the medial gravels are of fresh-water species, but were collected near the borders of the basin and at a greater elevation than the upper limit of the thinolite. The fossils may thus represent a stage in the recession or in the refilling of the lake when its waters were not so dense as when the thinolite was crystallized. In the Humboldt

Cañon where fossils were found in the medial gravels, it is probable that the strata are in part a flood plain deposit, accumulated when the lake was below that horizon.

SUMMARY.

The evidence derived from organic remains indicates that Lake Lahontan throughout its higher stages was never a strong saline and alkaline solution. Even during the abundant precipitation of dendritic tufa the lake was inhabited by mollusks in great numbers, and was probably also the home of *Teleost* fishes of large size. During the thinolitic stage, when its waters were greatly concentrated by evaporation, the absence of fossils indicates that it was uninhabited by either fishes or mollusks.

The life history of the lake, as we know it at present, cannot be considered as affording definite information in reference to the character of the climate during the Quaternary. The reason is that any change in the molluscan life that might be due to climatic oscillations, is complicated and masked by the effects produced by variations in the chemical composition of the waters.

When other basins in the same region are explored, especially those which found outlet, the character of their mollusean fossils may lead to positive conclusions in this direction, for in such instances the influence of an abnormal chemical condition of the waters on the growth of mollusks would be eliminated.

CHAPTER VII.

RÉSUMÉ OF THE HISTORY OF LAKE LAHONTAN.

The history of the fluctuations of the Quaternary lake of northwestern Nevada is recorded in various ways, as has been described in the last three chapters, which treat it from the physical, chemical, and biological standpoints; in the present chapter it is our purpose to present briefly the conclusions based upon these various lines of evidence. The phenomena observed have great diversity of character, but when interpreted in terms of geological history, they support and supplement each other in such a way that the conclusions drawn are believed to be well sustained. Moreover, the facts observed in the Bonneville basin and in more than a score of desert valleys throughout the northern half of the Great Basin which contained contemporary water-bodies, harmonize with the interpretation of the Lahontan record here presented.

The fact that all the minor basins in the arid regions of the Far West are filled to a depth of many hundreds of feet with alluvium and lacustral sediments, together with the occurrence of the beach lines of the Quaternary lakes on the surface of the vast alluvial cones, leads to the conclusion that all these basins were barren deserts before the rise of the Quaternary lakes. The pre-Lahontan condition of northwestern Nevada must have closely resembled its present character, but at times it was probably completely desiccated.

The change of climate admitting of the existence and gradual expansion of lakes in the various valleys throughout the Great Basin caused a number of those situated in northwestern Nevada to rise sufficiently to unite and form a single irregular water-body 8,922 square miles in area. This

was the first rise of Lake Lahontan. Like all inclosed lakes it must have fluctuated in depth and extent with the alternation of arid and humid seasons, and risen and subsided also in response to more general climatic oscillations, which extended through years and perhaps embraced centuries. Finally the climatic conditions which favored lake expansion ceased, and a time of aridity, like that which preceded the first rise, was initiated. The lake slowly contracted until its basin reached a greater degree of desiccation than that now prevailing. This was the inter-Lahontan period of desiccation.

During the first rise lacustral marls and clays were deposited throughout the basin; the depth of these is unknown, but they certainly exceed 150 feet in thickness. The waters were saturated with calcium carbonate and the precipitation of great quantities of compact stony tufa took place. Deposits of tufa were formed on rocky slopes throughout the basin, and are not especially abundant at the mouths of streams. This is thought to indicate that although the waters were saturated with calcium carbonate, they were not highly charged with other chemical substances. This conclusion is sustained by observation of conditions under which a similar tufa is being deposited in existing lakes, and also by the presence of gasteropod shells in the lithoid tufa in great abundance.

The time of low water, and perhaps of complete desiccation, that succeeded the first rise of Lake Lahontan, is recorded by stream channels carved in the lacustral beds and by current-bedded gravels and sands superimposed upon previously formed strata. Sections of inter-Lahontan gravel deposits have been observed wherever the material filling the lake basin is well exposed, and furnish indisputable evidence that the lake was greatly lowered before the gravels were deposited. These gravels were in turn covered by a second lacustral deposit, thus forming a tripartite series, a counterpart of which exists in the Bonneville basin. The first formed tufa deposit was exposed to subaërial erosion during the inter-Lahontan period of low water and became broken and defaced.

The character of the next succeeding tufa deposit indicates that a change had taken place in the chemical conditions of the waters of the lake when the basin was again partially flooded. This alteration in the composition of the salts dissolved in the lake is thought to have been brought

about by a partial deposition of the saline matter accumulated during the first high-water stage, at the time of the inter-Lahontan period of desiccation. The tufa superimposed upon the lithoid variety is known as thinolite; it is composed of well-defined crystals and is without fossils. It was evidently precipitated from a more highly concentrated chemical solution than that from which the lithoid variety was deposited. That this was the case is rendered evident, since the crystalline variety occurs only low down in the basin, while the lithoid tufa may be found within 30 feet of the highest terrace carved by the waters of the ancient lake.

After the crystallization of thinolite had been carried on for an indefinite period, the lake rose to within 180 feet of its first maximum, and the heaviest deposit of calcium carbonate found in the basin was precipitated. During this stage the lake was not strongly saline, as is shown by the abundance of gasteropod shells obtained from the sediments and tufas accumulated during this portion of its history.

After the precipitation of the dendritic tufa, the lake continued to rise and at last reached a horizon 30 feet higher than the first maximum. During this expansion the waters lingered but a comparatively brief time at the highest level and then slowly subsided. The increase in depth after the deposition of dendritic tufa is shown by the presence of lacustral sediments upon that deposit. The structure of the higher bars and embankments about the border of the old lake basin, proves conclusively that the greatest lake expansion was during the second rise.

With the last recession of the lake all portions of its basin were brought within the reach of wave action, and the tufa deposits sheathing its interior were broken, and the fragments swept away by currents, and built into embankments and terraces. The waters continued to fall until the basin was completely dry. All the salts not previously precipitated were deposited as desiccation advanced, and became buried and absorbed by playa clays. The proof of the occurrence of this time of desiccation is furnished by the comparatively fresh condition of the existing lakes of the basin, and by the change in the molluscan fauna which took place since the last high-water period. The duration of this post-Lahontan arid period is unknown, but

it was finally terminated—probably less than 300 years since—by an increase in humidity. The present lakes then commenced their existence.

Throughout its history, Lake Lahontan has been subject to a multitude of minor oscillations, as is indicated by the banded and stratified character of the tufa deposits lining the interior of its basin.

The character of the climatic changes which brought about both the great expansions and contractions of Lake Lahontan, as well as the minor fluctuations to which it was subject, will be indicated, so far as the writer has been able to interpret the records, in the following chapter.

CHAPTER VIII.

QUATERNARY CLIMATE.

In preceding chapters we have considered the physical, chemical, and biological histories of Lake Lahontan, as determined from facts gleaned here and there in its now empty basin. In each of these chapters reference has been made to the climatic conditions on which these various elements of history depended. In the present chapter it will be our aim to review the evidence afforded by the records of the ancient lake which have a bearing on the determination of the climatic conditions that permitted of its existence.

The investigations of naturalists have shown that the fauna and flora of a region are expressions of its climatic condition. To the geologist, the physiography of a country reflects, with nearly equal clearness, the effects of that resultant of a plexus of independent meteoric forces, designated by the term climate. Each year, as the seasons succeed each other, the geological changes, that are ever active, although so slowly and so silently that many times they escape observation, may be correlated with the elements of climate on which they are most closely dependent. Of the atmospheric forces at work, on every hand, in remodeling the earth's surface, those dependent upon humidity and temperature are the most obvious. These vary in intensity with the seasons, and at times their independent workings may be observed. Throughout the geological ages these same invisible agents of the air have never ceased to work changes on the earth, at times surrounding it with warmth, beauty, and life, and again, as the æons passed on, blotting out the fair picture themselves had drawn, and replacing it with cold, desolation, and death.

The general effects of climate are so well known that one may predict the results produced by its various elements on the aspect of a given region.

The geologist is enabled to reverse this process, with greater or less success, and, from the records in the rocks, determine the prevailing climatic conditions of bygone ages. The interpretation of the Lahontan records in terms of climate is at the same time the most interesting and the most difficult of the problems that their study has suggested. The character of the Quaternary climate of the Great Basin has been treated in a comprehensive manner by Mr. Gilbert in a monograph on Lake Bonneville, which, it is expected, will soon be published. We are thus, not unwillingly, constrained to confine our studies to the evidence afforded by the records of Lake Lahontan. Our attention will necessarily be mainly directed to the questions of humidity and of temperature.

Among the topographic characteristics of arid regions are angular mountain tops, cañons with precipitous walls, and alluvial cones where streams from the mountains lose their grade upon reaching the valleys. The last of these features is perhaps as striking as any of the others, and is of special interest in the present discussion. Many times the bases of mountains are completely encircled by a sloping pediment of unassorted *débris*, either angular or rounded, which is the most abundant at the mouths of cañons. Such accumulations form alluvial slopes, and when the *débris* occurs in more or less conical or fan-shaped piles it forms alluvial cones. These deposits have been studied especially by Drew[79] and Gilbert;[80] by the former in the arid regions of Southern Asia, by the latter in the Great Basin. As described by Gilbert, "The sculpture of a mountain by rain is a twofold process—on the one hand destructive, on the other constructive. The upper parts are eaten away in gorges and amphitheaters until the intervening remnants are reduced to sharp-edged spurs and crests, and all the detritus thus produced is swept outward and downward by the flowing waters and deposited beyond the mouths of the mountain gorges. A large share of it remains at the foot of the mountain mass, being built into a smooth sloping pediment. If the outward flow of water were equal in all directions this pediment would be uniform upon all sides, but there is a principle of concentration involved, whereby rill joins with rill, creek with

[79] Journal Geological Society of London, Vol. XXIX, 1873, pp. 441–471.
[80] Second Annual Report U. S. Geological Survey, p. 183 *et seq.*

creek, and gorge with gorge, so that then when the water leaves the margin of the rocky mass it is always united into a comparatively small number of streams, and it is by these that the entire volume of detritus is discharged. About the mouth of each gorge a symmetric heap of alluvium is produced, a conical mass, of low slope, descending equally in all directions from the point of issue, and the base of each mountain exhibits a series of such alluvial cones, each with its apex at the mouth of a gorge, and with its broad base resting upon the adjacent plain or valley. Rarely these cones stand so far apart as to be completely individual and distinct, but usually the parent gorges are so thickly set along the mountain front that the cones are more or less united, and give to the contours of the mountain base a scalloped outline."

In the Lahontan basin alluvial cones are to be seen everywhere about the bases of the mountains, and were evidently a conspicuous feature in the pre-Lahontan topography, as is abundantly illustrated by the fact that the shore lines of the former lake are traceable for hundreds of miles on alluvial slopes of great magnitude. This is particularly noticeable in the northern portion of the basin where the lake was generally shallow, and may be observed especially in the Humboldt and Quinn River valleys and about the bases of the Slumbering Hills. The same phenomenon is also conspicuous about the borders of the Carson Desert and in Buffalo Spring, Alkali and Mason valleys, as well as at many places on the borders of Walker Lake Valley. These alluvial slopes streaming down from the mountains to a horizon far below the old beach lines, bear evidence that the valleys were deeply filled with alluvium before they were occupied by the Quaternary lake. Since many of these basins never overflowed, it is evident that the alluvial slopes were formed during a time of desiccation when evaporation equaled or exceeded precipitation. If this had not been the case, it is manifest that lakes would have been formed and the *débris* filling their basins arranged in stratified beds or built into bars and embankments. A large number of valleys in the northern part of the Great Basin which held inclosed Quaternary lakes have been explored, and in each instance the same relation of shore terraces to previously formed alluvial slopes has been observed. It is therefore considered as proven

that an arid climate prevailed for a long time previous to the existence of the Quaternary lakes, the records of which are now observable. The rate at which alluvial cones are formed is irregular and depends on a number of variable factors, as, for example, the amount of precipitation, the grade of the cañons, character of the rock forming the mountain, etc. As the geological and topographical conditions at a definite locality may be considered constant, so far as the present discussion is concerned, it is evident that alluvial cones are in some manner a record of rainfall. Many observations have shown that they are usually formed in arid regions, and result from sudden storms which flush the cañons and sweep out the accumulated *débris* with violence. This is observable not only during the occasional "cloud bursts," as the sudden storms of the Far West are called, but may also be inferred from the occurrence of angular rocks, weighing many tons, on the surfaces of the alluvial cones. During the intervals between the storms, disintegration takes place in the uplands, and the smaller tributaries deposit their loads in the larger cañons, which thus become charged with *débris*. The rapid deposition of alluvium about the mouths of cañons is largely influenced by the fact that what was entirely a surface stream during its cañon course, sinks below the surface on passing to the alluvial slope and deposits its load. These considerations might be extended and the action of perennial streams contrasted with the results produced by infrequent storms, but perhaps enough has already been written to show that alluvial cones are not only characteristic of arid climates but that the precipitation which produced them is commonly paroxysmal. There is manifestly no uniform rate at which subaërial alluviation takes place and no definite measure of the time necessary for the accumulation of *débris* of this character, but the comparative size of the deposits made during distinct periods furnishes at least a general indication of the relative length of time required for their accumulation

Assuming that the conditions of alluviation were equally favorable during the pre-Lahontan and recent arid periods, we may determine from the magnitude of the subaërial deposits in each instance the relative duration of the two periods. The Lahontan terraces carved on the slopes of ancient alluvial cones are but delicate inscriptions which, in a geological

sense, are extremely ephemeral, yet they are clearly legible at the present day, thus indicating the recency of their origin. The time that the terraces have been exposed to subaërial erosion must evidently be extremely brief in comparison to the ages required for the accumulation of the vast *débris* piles on which they were made.

Another, although less definite proof of the aridity of the time preceding the rise of Lake Lahontan is furnished by the cañons of the streams that enter the basin. In many instances these were excavated to their present depth before the existence of the lake, which subsequently occupied their channels for many miles. An illustration of this phenomenon is furnished by the cañons of Smoke and Buffalo creeks, which were eroded to the depth of 250 or 300 feet through compact basalt before the rise of Lake Lahontan. When the lake had its greatest extension it occupied the lower portions of these gorges and filled them deeply with marly-clays and delta deposits, at the same time that their walls became loaded with tufa. When the lake retired the streams reclaimed their ancient channels and commenced the removal of the lacustral strata. The creeks are now flowing over their ancient beds of basalt, but the recent corrasion of the volcanic rock is scarcely perceptible. The amount by which the cañons have been deepened during the present arid period, as compared with the work accomplished in pre-Lahontan times, is certainly in the proportion of one to many thousand. Parallel illustrations of the same phenomena are furnished by the rivers which enter the basin from the west, all of which flow in channels of pre-Lahontan date, and became partially filled with lacustrine strata and subsequently re-excavated as in the previous instances. Each of these streams now flows through a cañon within a cañon, in the manner illustrated by the diagram on page 44.

It might be said that when these cañons were formed, the basin to which they are now tributary had a free drainage to the sea. It is impossible to prove or disprove this hypothesis, but in general, cañons of the character of those in question may be considered as characteristic of arid regions. Besides, we know, from the great depth of marl and gravel in many of the valleys of the Great Basin, that they have been regions of accumulation for long periods. The weight of evidence is such, in our

judgment, as to confirm the hypothesis that an arid period of long duration preceded the first rise of Lake Lahontan of which we have definite knowledge.

The variations and fluctuations of the pre-Lahontan arid period are unknown, but, from the general teachings of meteorology, we may reasonably conclude that, like the present climate of the Great Basin, it was marked by many fluctuations in precipitation and evaporation, which at times gave origin to lakes of greater or less extent. As the arid period drew to a close and more humid conditions prevailed, it is most reasonable to suppose that the change was gradual. The phenomena do not call for a sudden break in the processes of nature.

Humidity of the Lahontan period.—Inclosed lakes may be considered as representing the net balance between precipitation and evaporation. As the relations of these two climatic elements are complex and independent, their resultant will be inconstant and variable; their mutual neutralization, so far as the lakes of a region are concerned, must, therefore, be a matter of delicate adjustment. It follows from this that the difference in climate between a time of expanded lakes and a time of desiccation might be comparatively moderate.

In a given area, like the Great Basin, we may safely say that a lowering of the mean annual temperature will increase precipitation and decrease evaporation, thus affording the climatic conditions favorable to the expansion of the lakes. On the other hand, a rise in the mean annual temperature would increase evaporation and decrease precipitation, thus favoring the contraction and extinction of inclosed lakes. The existence of a large number of lakes in the Great Basin during the Quaternary is seemingly good evidence that the climate of the region during the time of their greater expansion was more humid than at present; unless it can be shown that there was a very great decrease of evaporation without a corresponding increase of precipitation, a phenomenon only to be observed at the present time in the arctic latitudes.

That many of the lakes did not overflow is equally positive evidence that precipitation within their hydrographic basins could not have been excessive. Had the rainfall been even moderately copious, it seems self-

evident that the entire Great Basin must have become tributary to the ocean. Inclosed lakes of the present time are located in arid regions. The lakes of humid regions invariably overflow. In arid countries the water surfaces of the lakes are small in comparison to the areas that they drain; in humid regions the reverse is the rule. Lake Lahontan, as previously stated, was 8,422 square miles in area, and drained a region over 40,000 square miles in extent; the water surface of the basin at the present time is approximately 1,500 square miles. The Quaternary lake during its maximum, occupied approximately one-fifth of its hydographic basin; at the present time only about one-twenty-sixth of the same area is covered by water. From these data alone it will be seen that the present is a time of desiccation in comparison to certain portions of the Quaternary.

Comparing Lake Lahontan with existing lakes in humid regions, we find that its water surface was small in reference to its drainage area. In the case of Lake Superior, for example, the area of the lake is to the area of its hydrographic basin as 1 to 1.72. The combined areas of the Laurentian lakes is to their combined drainage areas as 1 to 3.19.[81] Could the Laurentian lakes be inclosed, so that the only escape for their waters would be by evaporation, it is evident that they would expand and occupy a vastly larger part of their drainage areas than at present. In fact, the mean annual evaporation in this region is much less than the mean annual rainfall, so that an inclosed lake would be an impossibility.[82]

[81] In obtaining the data given above, the following table was compiled, which we insert for convenience of reference.

Areas of lakes and of their hydrographic basins.

Lakes.	Water areas.	Hydrographic areas.	Ratio of water area to hydrographic area.
	Square miles.	*Square miles.*	
Superior	30,829	84,961	1 to 1.72
Michigan (including Green Bay)	21,729		
Huron (including Northwest Passage 1,556, and Georgian Bay 5,626)	22,322		
Saint Clair	396		
Erie	9,633		
Ontario	7,104		
Combined areas	93,733	299,919	1 to 3.19
Bonneville	19,750	52,000	1 to 2.63

[82] Ann. Rep. Chief of Engineers, U. S. A., 1869, pp. 645–648.

Considerations of this character might be multiplied, but it is presumed that enough has already been written to show that the climatic change which gave origin to Lake Lahontan but did not permit it to overflow, must have been one of moderate precipitation in comparison, for example, with the present rainfall of the region of the Laurentian lakes, even if we consider the rate of evaporation in the Great Basin to have been the same during the Quaternary as now. An increase in the annual rainfall of a region may safely be considered as causing a decrease in the mean evaporation, thus indicating that the rainfall in the region of Lake Lahontan during the Quaternary, could not have been greatly in excess of the present mean annual precipitation in the same area. It will be seen from this that the history of Lake Lahontan is decidedly in opposition to the hypothesis that the climate of the Glacial epoch was characterized by a marked increase in precipitation.

A safe conclusion seems to be that the change from arid to more humid conditions which produced the Quaternary lakes of the Great Basin was not sudden or excessive, but consisted in gradual climatic oscillations of *moderate range.*

Considering the question of humidity alone, we venture to correlate periods of lake expansion with an increase in mean annual precipitation; and periods of contraction and desiccation with decrease of rainfall We therefore use the diagram representing the fluctuations of Lake Lahontan, as an expression of the humidity element in the climate of the region during the Quaternary. Interpreting the curve representing the oscillations of the lake in terms of humidity we have:

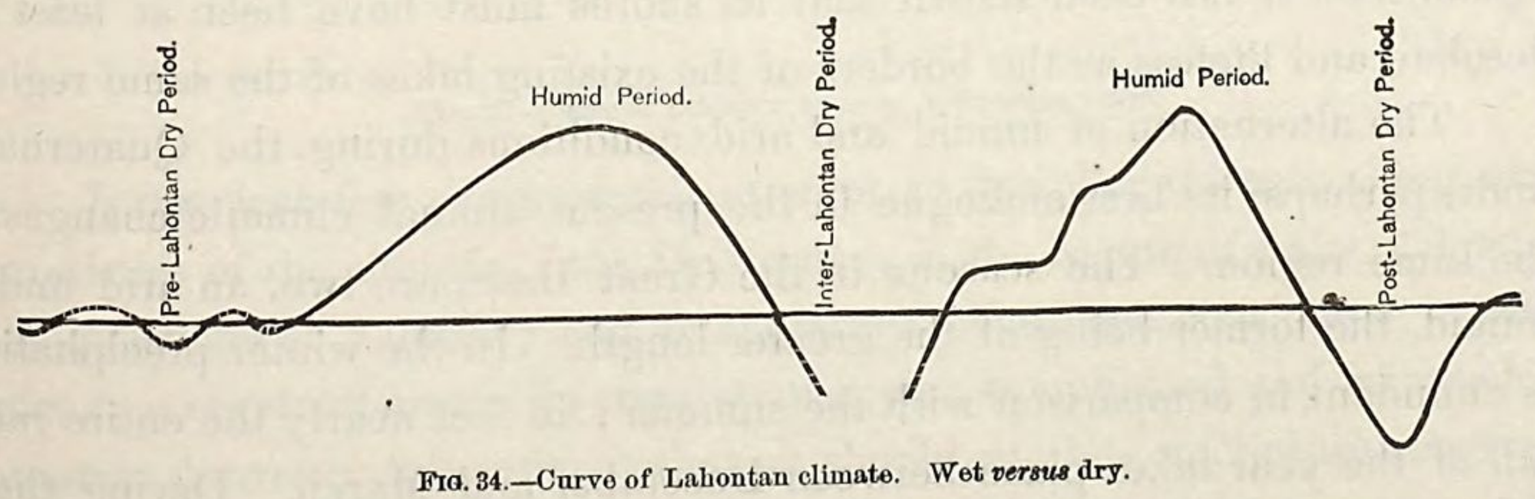

FIG. 34.—Curve of Lahontan climate. Wet *versus* dry.

Temperature of the Lahontan Period.—Considering temperature as the controlling climatic element—in reference to a restricted region, as in the preceding discussion—and knowing that a high temperature promotes evaporation and hence tends to decrease the volume of lakes, and that a low temperature produces a contrary result, we should apparently be justified in concluding that as the Quaternary lakes of the Great Basin were larger than the present water-bodies of the same region, the former climate must have been colder than the present. It may be said, however, that had the cold been intense and produced arctic conditions, precipitation would have been retarded. This postulate, however, is not applicable to the area in question, where the climatic oscillations were of moderate intensity even in comparison with the present prevailing arid conditions, thus indicating that if the periods of desiccation were times of arctic cold, the lake periods must have been at least sub-arctic. On this assumption the Great Basin to-day should have a climate resembling that of circumpolar lands. The absence of "ice walls" about the smaller of the Quaternary lakes of the Far West is negative evidence, perhaps of some value, in opposition to the above hypothesis. Moreover, the character of the abundant molluscan fauna of the Lahontan basin precludes the hypothesis of an arctic climate.

If we postulate sub-tropical or tropical conditions of the Lahontan basin during the Quaternary, we must, from the analogy of tropical countries in general, conclude that the region would probably have been humid as well as warm, and consequently productive of abundant faunas and floras. The absence of fossils indicative of such conditions is sufficient evidence that they did not prevail. In the chapter devoted to the life history of the former lake it has been shown that its shores must have been at least as desolate and lifeless as the borders of the existing lakes of the same region.

The alternation of humid and arid conditions during the Quaternary finds, perhaps, its best analogue in the present annual climatic changes of the same region. The seasons in the Great Basin are two, an arid and a humid, the former being of the greater length. In the winter precipitation is abundant in comparison with the summer; in fact nearly the entire rainfall of the year takes place between December and March. During these months the skies are clouded, and rain and snow are not infrequent; the

rivers rise, and many channels that are completely dry during the summer become flooded; the inclosed lakes increase in area and many new ones are formed in basins that are parched deserts during the summer months. The winter season is, therefore, the humid period, during which evaporation is decreased, and is in every way favorable to the existence of lakes. Could these conditions be continued for a sufficient length of time each year it is evident that the Quaternary lake basin would be refilled.

On the other hand, throughout the arid season the rain ceases almost entirely, the skies are clear and cloudless for days and perhaps weeks at a time; the heat in the desert valleys becomes intense, and evaporation is greatly accelerated. The result is a decrease and failure of the streams and the shrinkage and disappearance of the lakes. These annual changes illustrate the character of the secular oscillations that took place during the Quaternary.

The former great extension of the lakes of the Great Basin is, therefore, considered as evidence that the mean annual temperature was then lower than at present. Interpreting the curve given on page 237, which indicates the fluctuations of the Lake Lahontan, in terms of temperature we have the following as a generalized diagram of this element in the climate of the Quaternary:

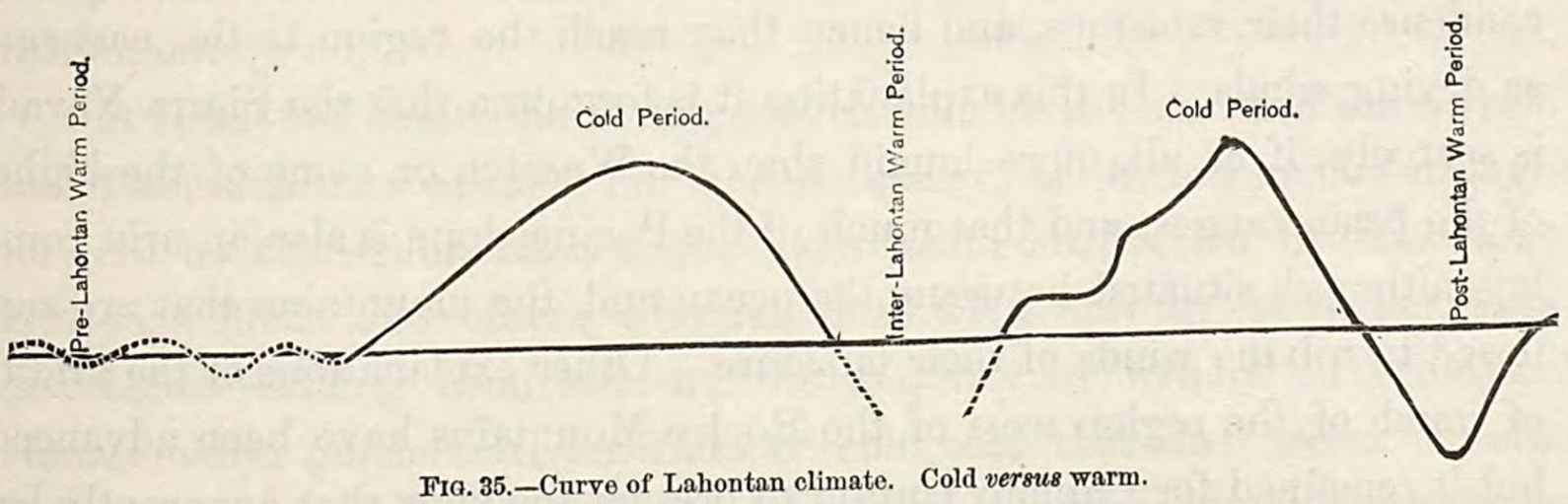

FIG. 35.—Curve of Lahontan climate. Cold *versus* warm.

In the last few pages of this attempt to decipher the prevailing characteristics of the climate of the Quaternary in the region of Lake Lahontan, the questions of humidity and temperature have been considered in reference to a *restricted area.* In treating of such a complicated and far-reaching question, however, it is evident that we should not be confined by geographical limits, but must count the changes of climate in broad and perhaps far-

distant regions. In fact, a study of the climate of a given region, to be complete, must contemplate the atmospheric phenomena of the world. Neither can we postulate an alteration of a single element in the climatic environment of a region without altering the relations of all the remaining elements. Hence the interpretation of geological records in terms of climate become more and more difficult.

Our conclusions, therefore, in reference to the climate of the Quaternary are at the best somewhat arbitrary and are open to controversy. The weight of evidence and the impressions which one receives from the study the phenomena in question are such as to lead to at least a well-grounded opinion, even if some of the facts observed might be interpreted differently by different observers.

The present arid climate of the Great Basin cannot be explained by saying that the temperature is high and consequently the water that is precipitated is rapidly evaporated. On the contrary, evaporation is rapid, probably for the reason that precipitation is moderate, or, perhaps more accurately, because the mean annual humidity of the atmosphere is low. In explanation of the present aridity some writers have attempted to show that as the prevailing winds blow from the Pacific, and consequently are obliged to cross the Sierra Nevada before reaching the Great Basin, the mountains condense their moisture, and hence they reach the region to the eastward as drying winds. In this explanation it is forgotten that the Sierra Nevada is scarcely, if at all, more humid than the Wasatch or some of the higher of the basin ranges, and that much of the Pacific slope is also an arid country, although situated between the ocean and the mountains that are supposed to rob the winds of their moisture. Other explanations of the aridity of much of the region west of the Rocky Mountains have been advanced, but it remained for Captain Dutton to present the view that apparently has the strongest foundation.[83] This writer explains the aridity by peculiarities of the currents of the Pacific. In brief, this theory assumes that the currents from the north which follow the western border of the continent cool the air that is carried over them towards the land, this being the prevailing direction of the air currents of the region; consequently, on reaching the

[83] American Journal of Science, Vol. XXII, 1881, pp. 247–250.

land, the air has its temperature increased, and thus becomes a dry wind. If this explanation of the present climatic condition of the Great Basin be accepted, it is evident that past fluctuations in the climate of the same region could be accounted for by assuming changes of direction in the currents of the Pacific.

Testimony of the Glaciers.—Thus far our discussion has been confined to the evidence afforded by the records of the ancient lakes. It is manifest that the glaciers which existed on the neighboring mountains during the time the lakes were flooded should furnish additional evidence bearing on the same question.

The climatic conditions favoring the origin and growth of glaciers has recently been a subject of controversy. Some writers have claimed that the Glacial epoch was a warm period, in comparison with the present, and that the extension of the glaciers was due to an increase of precipitation caused by a greater evaporation over distant oceanic surfaces, the increased evaporation being caused by a general rise of the mean annual temperature. This hypothesis, we believe, was first suggested by Tyndall and Frankland, and has been extended by Professor Whitney in his work on "Climatic Changes in Later Geological Times." A number of articles in various scientific journals have also been published in extension and support of the same assumption.

It is beyond the scope of the present volume to enter into the theoretical discussion thus opened, nor is it necessary, as the arguments brought forward by the writers cited above have been controverted by Newberry, Dutton, Gilbert, and others, who adhere to what may be called the orthodox belief—having been held by the majority of writers on geological climate—that glaciers are an index of cold, and that their great increase during the Quaternary was due to a decrease in mean annual temperature. In other words, the winters during the Glacial epoch were longer or more severe than at present, and their snows not completely melted during the short summers. The conclusions reached by these writers is so entirely in accordance with all that has come under our own observation in reference to the existence of glaciers, that we do not hesitate in considering their determinations as final. The fact that the winter season in the Far West, for example, is the one that favors the accumulation of snow and the growth of

glaciers, while during the summer these conditions are reversed, seems enough in itself to show that an extension of the winter conditions, from whatever cause, for a greater portion of the year would favor the extension of the present glaciers and the formation of new ones, as well as the increase of the existing lakes and the flooding of valleys that are now arid throughout the year. Prolonging the winter conditions in temperate latitudes would therefore initiate a glacial epoch. This is the more evident as the climatic change necessary to cause an extension of the existing glaciers of the Sierra Nevada so as to approximate to their former magnitude, or the growth of the existing lakes of the Great Basin until they equaled the extent of the Quaternary water surface of the same region, need not be considered as a climatic change of great intensity.

There are no records of the former existence of glaciers within the basin of Lake Lahontan, but the western border of its hydrographic basin was once buried beneath a vast accumulation of snow and ice that covered all the higher portions of the Sierra Nevada. The East Humboldt range, which forms a portion of the eastern border of the same drainage area, was also glacier-crowned. In the central portion of the basin, the Shoshone, Star Peak, and Granite ranges rise to an elevation of about 10,000 feet, and are reported by the geologists of the Fortieth Parallel Exploration to bear evidence of former glaciation about their summits.

The former presence of extensive glaciers on the Sierra Nevada and Wasatch mountains, and of ice fields of less extent on some of the intermediate ranges, is sufficient to prove that during that time all the mountains of the region must have been snow-covered for at least a large portion of each year. This in itself—unless the temperature throughout the year was below freezing—would necessitate the formation of lakes in the inclosed basins between the ranges. In three instances in the Bonneville basin, and at four localities near Mono Lake, the glacial and lake records of Quaternary date overlap. The moraines at the western base of the Wasatch mountains which descend below the level of the Bonneville beach have been described by Mr. Gilbert;[84] in this instance, however, the relative age of the moraines and lake terraces is indefinite. In the Mono basin a number of

[84] Second Ann. Rep. U. S. Geol. Survey, p. 189.

glaciers of large size formerly flowed down from the High Sierra, which forms its western border, and deposited moraines of great magnitude, on which the terraces of the Quaternary lake, that formerly filled the basin to the depth of nearly 900 feet, are distinctly traced. The moraines at Mono Lake were carried out into the valley as parallel ridges, or morainal embankments as we have found it convenient to call them, which in several instances are prolonged for a considerable distance below the highest of the ancient beaches, and have terraces traced not only on their outer slopes but on the inner sides of the *couches* formerly occupied by glacial ice. In some instances deltas have been formed between the extremities of the morainal embankments. The proof is therefore conclusive that the greatest extension of the glaciers preceded the maximum rise of the lake. How far the glaciers had retreated up the cañons before the lake occupied their former beds it is impossible to determine. It has also been found that the glaciers of the Mono basin had two or more periods of maximum extension, separated by times when the ice withdrew far up the cañons through which it flowed. There were at least two well-marked glacial epochs in the Sierra Nevada. The lacustral records of the Mono basin indicate two periods of high water, corresponding, it is presumed, to the two main periods of glacial extension. All the facts known to us are in harmony with the conclusion that the two humid periods recorded in the Bonneville and Lahontan basins were practically synchronous with the two periods of maximum extension of the Sierra Nevada glaciers. The fact that the greatest rise of the Quaternary lake occupying Mono Valley occurred after the greatest expansion of the glaciers does not militate against this determination, but indicates that the melting of the snow and ice on the mountains contributed an unusual supply of water to the lake, which then received its greatest flood. When mountains bordering an inclosed basin are loaded with snow and ice, it is evident that a rise of temperature will cause a flooding of the valleys. The analogy between the glacial climate of the Great Basin and the winter climate of the same region at the present time, thus finds another parallel.

The evidence leading to the correlation of the two high-water stages of Lake Lahontan with the two Glacial epochs of the northern hemisphere has already been indicated. Should this conclusion be sustained,

it follows that both series of phenomena resulted from a common climatic change. In the case of Lake Lahontan we have attempted to demonstrate that the change which caused the expansion of the lake was a lowering in the mean annual temperature, and that the periods of desiccation indicate a relative rise of temperature. This interpretation is in harmony with the verdict of the great majority of writers in reference to the prevailing elements in the climate of the Glacial epoch. In former times, as at present, the climate of various regions in the same latitude differed widely in reference to humidity. The more humid regions were the areas of greatest glaciation.

The discussion of the ultimate cause of the cold of the Glacial epoch is beyond the scope of the present report.

A summary of the writer's conclusions in reference to the climatic oscillations indicated by the fluctuations of Lake Lahontan is embodied in the following schedule:

1. Pre-Lahontan arid period	Probable climatic conditions	A time of aridity; precipitation small; evaporation rapid; temperature high.
	Results	Lakes small, at times desiccated; mountains free from glaciers.
2. First rise of Lake Lahontan	Probable climatic conditions	Precipitation moderate; evaporation decreased; temperature low.
	Results	Large lakes in the valleys and glaciers in the mountains.
3. Inter-Lahontan arid period	Probable climatic conditions	Decreased precipitation; evaporation rapid; temperature high.
	Results	Lakes smaller than at present, and at times possibly desiccated; glaciers contracted and possibly completely melted.
4. Second rise of Lake Lahontan	Probable climatic conditions	Precipitation moderate, but probably more copious than during the first rise; evaporation decreased; temperature low.
	Results	Broad lakes and large glaciers.
5. Post-Lahontan arid period	Probable climatic conditions	A time of great aridity; precipitation small; mean temperature higher than at present.
	Results	Lakes desiccated and glaciers melted.
6. Present time	Climatic conditions	Precipitation small; evaporation rapid; mean temperature about 50° Fahr.
	Results	Country arid; rivers small and fluctuating; lakes and glaciers small.

CHAPTER IX.

GEOLOGICAL AGE OF LAKE LAHONTAN.

A review of the facts bearing on the age of Lake Lahontan necessitates some repetition, but seems desirable in order to present the evidence in a connected form.

The reader is already aware that Bonneville and Lahontan were the largest of an extensive series of lakes which formerly occupied the valleys of the Great Basin. That the lakes here indicated—represented for convenience of reference on Plate I—were contemporaneous seems too positive to be questioned. The records in the various basins are identical, consisting of terraces, gravel embankments, sedimentary deposits, fossils, etc., in which no difference of age can be detected. Moreover, the existence of lakes in inclosed basins is dependent on climatic changes too broad in their effect to have been felt in a single valley without producing similar results in others near at hand That the lakes now under discussion, not only existed at the same time, but were also of a very recent date, is considered as abundantly proven by the fact that they left the very latest of all the completed geological records to be observed in the Great Basin.

The fossil shells obtained from the sediments and tufas of Bonneville and Lahontan, and a few of the smaller sister lakes, all belong to living species. The mammalian remains discovered in the sediments of Lake Lahontan are the same as occur elsewhere in Tertiary and Quaternary strata. The spear head of chipped obsidian obtained in the upper Lahontan sediments is considered good evidence—although as yet unsustained by other finds of a similar character—that man inhabited this continent during the last great rise of the former lake.

The greatest expansion of the waters of the Mono basin, occurred subsequent to the last extension of the Sierra Nevada glaciers. Although this is the only instance known where the relation of the former lakes and glaciers of the Great Basin is clearly determinable, yet it seems a necessary inference that the other lakes of the same region attained their maximum at the same time. As the formation of glaciers and the extension of lakes in inclosed basins necessarily result from similar climatic changes, we correlate the two flood periods of Lake Lahontan with the two periods of maximum extension of the Sierra Nevada glaciers. Again, from similarity of phenomena, the two periods of glaciation on the mountains of the Far West, are correlated in time with the two glacial epochs of northeastern America, as recognized by certain geologists. If this determination is correct, it follows that the last great expansion of the lakes of the Great Basin occurred during the close of the Glacial period, and may be considered as contemporaneous with the Champlain epoch of the eastern States.

That the valleys of the Great Basin held lakes, at least at intervals, throughout the Quaternary, is not only probable, *a priori*, but is indicated by the great thickness of marls, clays and gravels that fill these depressions. In the Bonneville basin these deposits have been penetrated to a depth of over 1,500 feet without reaching the underlying rock. That the lower portion of the material filling these depressions may be of Tertiary age, is certainly possible, but the records of the passage of the Tertiary into the Quaternary are so obscure and so little known that it is at present impossible, at least in the lake-beds of the Far West, to say where the former ends and the latter begins. When Lake Lahontan began its existence will probably never be known, except in a general way; but that it reached its greatest extension in late Quaternary times and was approximately synchronous in its fluctuations with the advance and retreat of the Sierra Nevada glaciers during the Glacial epoch is a fair deduction from the evidence recorded in the present volume.

In regard to the time, as measured in years, that has elapsed since the events described in this report took place, we have but shadowy evidence to offer. It has been estimated by James Croll,[85] from astronomical data, that

[85] Climate and Time, New York, 1875. Chap. XIX.

the last Glacial epoch terminated about 80,000 years ago. Other investigators have approached the problem in different ways and reached widely discordant results. At present even an approximate measurement in years of the time that has elapsed since the last great retreat of the glaciers of the northern hemisphere seems impossible. Considering that Lake Lahontan fluctuated synchronously with the advance and retreat of the glaciers during the Glacial epoch, we must conclude that its last evaporation followed the last great retreat of the glaciers. Our studies in the Far West have shown that there is no reason for supposing that the retreat of the Sierra Nevada glaciers was a sudden event, partaking of the nature of a catastrophe, or that the evaporation of the lakes which were supplied by the melting ice, was a matter of a few years. On the contrary, the glaciers are believed to have retreated slowly; with many pauses, and the evaporation of the lakes to have extended through centuries. Even if the Glacial epoch can be proven to have terminated 80,000 years ago, there is no reason for considering that desiccation of the lakes followed that event within many thousand years. As stated at the beginning of this paragraph, we have no definite evidence to show that the Quaternary lakes were flooded a certain number of years since; but one familiar with the shore phenomena displayed in the valleys of the Far West cannot fail to be impressed with the perfection with which these structures have been preserved. In many instances the embankments of gravel are as perfect in contour and as regular in slope as if constructed but a few years ago. Subaërial erosion is reduced to a minimum in such instances, however, for the reason that the structures are porous and absorb nearly all the rain that falls upon them, allowing it to percolate quietly through their interstices. Changes of temperature have but little power to alter their forms, owing to the large size of the interspaces and the readiness with which moisture is removed. The only elements of subaërial erosion to which gravel embankments seem open to attack are the wind and the beating of rain During the lapse of centuries even these slow processes must effect appreciable changes, but as yet this is scarcely apparent in the embankments built in Lake Lahontan. It is evident that gravel embankments in arid regions, so situated that they are not within the reach of stream erosion, may be considered among the most per-

manent of topographic forms; more constant, in fact, than the rocky mountain tops. It is not surprising, therefore, that the gravel structures fail to give evidence as to their age.

We might consult the cañons carved through Lahontan sediments since the recession of the lake for a time measure; but the amount of erosion here apparent could have been performed by the existing streams in a few years, owing to the unconsolidated character of the strata and the high grade of the streams caused by the lowering of their base level upon the withdrawal of the lake waters. Moreover the streams have meandered but little within their cañons, thus indicating that these trenches have not been long finished. On the whole the cañons indicate that but a brief period has elapsed since their excavation began.

The tufa deposits of the basin have been exposed to erosion since the withdrawal of the lake waters, and might be expected to present some indication of the time they had been subjected to subaërial erosion. These deposits are porous and open in structure and favor the absorption and retention of moisture. They are thus especially liable to the destructive effects incident to the freezing of water in the interspaces of rocks, especially as the rains and frosts of the Great Basin occur together. We may, therefore, expect that the subaërial erosion of the tufa deposits would be rapid, and that if they had been exposed for a long period they would exhibit marked evidence of waste and decay. The fact is, on the contrary, that these deposits are remarkably well preserved. The greater amount of fracture and displacement that has been observed has evidently resulted from the weight of the deposits when left unsupported by the waters in which they were formed. The only conclusion to be drawn from the tufa deposits in reference to the date of the last desiccation of Lake Lahontan is that their time of exposure has been short.

Again, in reference to the shells strewn over many portions of the deserts which, in many cases, must have been left by the evaporation of the former lake, we find that these fossils, or semi-fossils, as they have been termed, are bleached white and have lost their epidermis, but are otherwise frequently as perfect as when inhabited by the mollusk to which they belonged. That these fragile bodies have been drifting about at the caprice

of the winds for thousands of years without being destroyed is improbable, to say the least.

Other facts bearing on the determination of the length of time that has elapsed since the close of the Glacial epoch may be observed in the cañons of the High Sierra, and have been described in part in a previous essay.[86] We need not consult the moraines left by the ancient glaciers, as these, like the gravel embankments mentioned above, are comparatively stable structures; but in the glaciated cañons there are numerous bosses and domes of granite and quartzite that have been exposed to the sky since the glacial ice was melted from above them. The ice-polish on these ledges is still conspicuous, and causes them to glisten in the sunlight as brilliantly as do similar surfaces adjacent to the existing glaciers of the High Sierra and of Switzerland. These smooth surfaces are still scored with fine hair-like lines, and the eye fails to detect more than a trace of disintegration that has taken place since the surfaces received their polish and striations. Here again we meet with the difficulty of applying quantitative measurements; but as there is a limit to the time that rock surfaces may retain their polish it seems reasonable to conclude that in a severe climate like that of the High Sierra it could not remain unimpaired for more than a few centuries at most.

The cumulative weight of these various lines of inquiry is such as to lead to the *opinion* that the last desiccation of the Quaternary lakes of the Great Basin certainly occurred centuries but probably not many thousands of years ago. On the other hand, it might be argued that the presence of the bones of the mastodon, camel, and horse in the lacustral clays, deposited during the last great rise of the lake, is abundant evidence of the antiquity of that event. The date of the various fluctuations of Lake Lahontan, as measured by the standard used in human history, thus remains an open question.

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[86] Existing Glaciers of the United States, Fifth Annual Report U. S. Geological Survey.

CHAPTER X.

POST-LAHONTAN OROGRAPHIC MOVEMENTS.

In our sketch of the origin of the Lahontan basin (*ante*, page 24), a brief account of the pre-Quaternary faults of the region was given. As there stated, the area we are studying has been broken by profound fractures, which resulted in the division of the rocks into a great number of orographic blocks. The unequal displacement of these gave origin to the various valleys that were occupied by the Quaternary lake. In the present chapter we wish to direct attention to similar movements of the earth's crust which have taken place since the evaporation of Lake Lahontan.

The traveler in the Great Basin frequently sees low escarpments in lacustral beds and alluvial slopes, which form irregular lines along the bases of the mountains, and at times cross the valleys. In profile, these scarps present various appearances, as illustrated by the following sections. Where they cross alluvial slopes they usually exhibit a profile similar to that shown at *a*. In the open valleys they form a small cliff or steep ascent, joining a

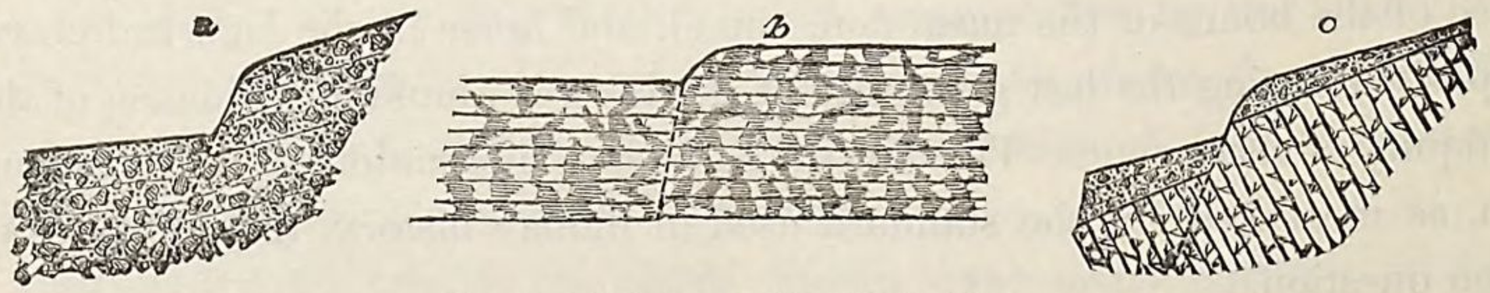
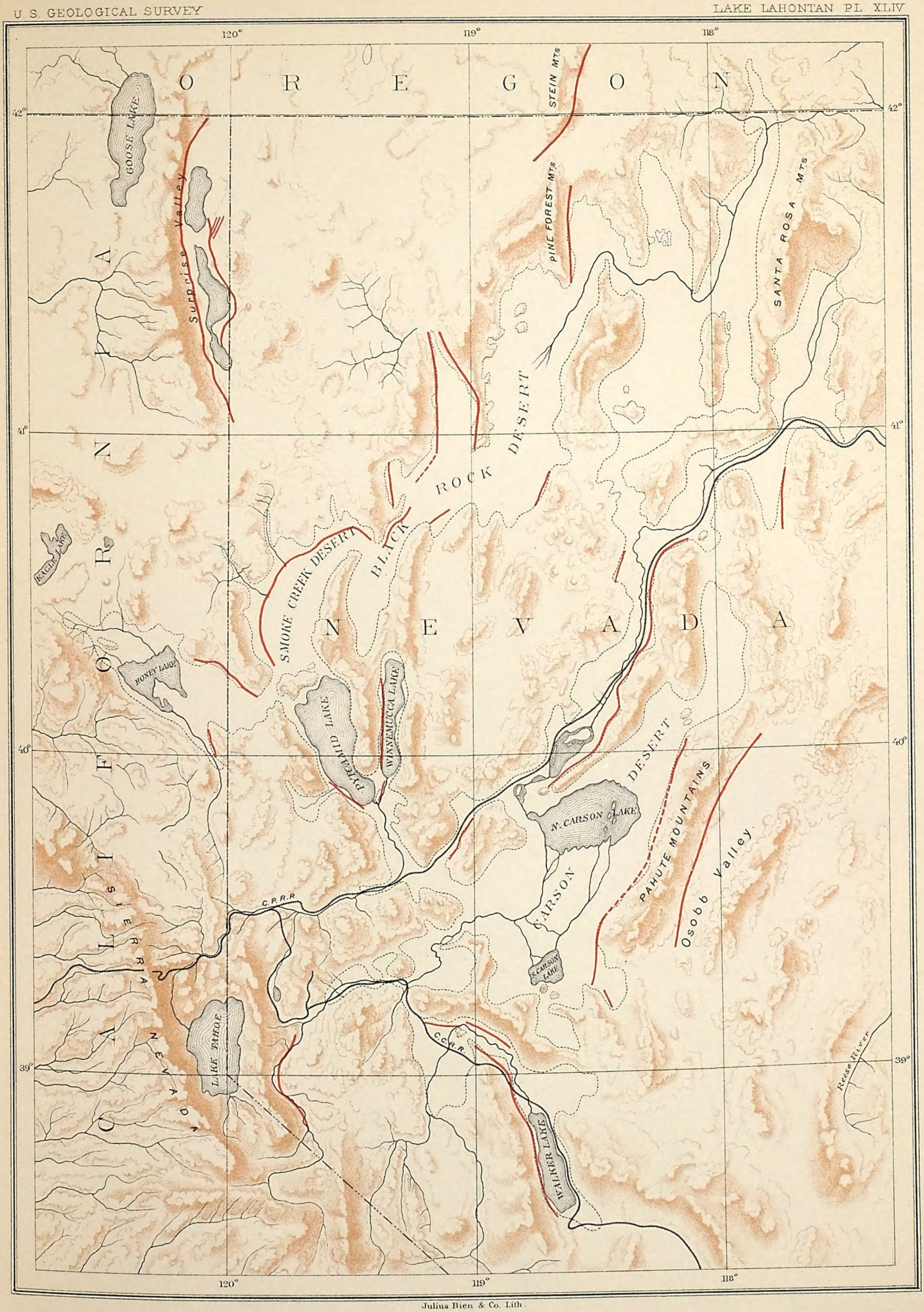


FIG. 36.—Ideal cross-profiles of faulted beds.

horizontal plain below with a similar plain above, as indicated in section at *b*. On a mountain side the scarp is usually partially in rock and partially in alluvium, as represented at *c*. The course of the scarps is always irregular, and sometimes forms zigzag lines that may be followed for many miles.



Julius Bien & Co. Lith.

POST - QUATERNARY FAULT LINES.

Scale: 29 miles = 1 inch

0 5 10 15 20 25 50 75 100

The scarps differ from the steep slopes bounding water-built terraces and embankments—that neither their upper or lower limits are horizontal for any considerable distance; they are characterized by irregularity, and do not define the boundaries between deposits of different character. They occur both above and below the highest beaches of the Quaternary lakes of the region where they are found, and exist in valleys that have a free drainage as well as in those that are inclosed and once held lakes. It is, therefore, evident that their origin is totally independent of the action of waves and currents, and it is equally clear that they cannot be the result of erosion.

Scarps of this nature were first observed in the Great Basin by Mr. Gilbert, while examining the western base of the Wasatch Mountains, and were recognized as the result of recent orographic movements.[87] In other words, they are fault scarps of very late origin. Their recency is shown by the fact that they commonly occur in Quaternary lacustral sediments and recent alluvial slopes, and form steep slopes of earth and gravel that are but little modified by erosion, and in many instances are bare of vegetation.

In many cases, it is evident that they could not have existed in their present condition for more than a few years. Sometimes they are more than a hundred miles in length, and vary from a few feet to more than a hundred feet in height.

Recent faults of this nature have been observed along the western base of the Wasatch Mountains, at the eastern base of the Sierra Nevada, and on the foot-slopes of many of the intermediate Basin ranges. In the Lahontan area recent fault scarps are a common feature in the topography of the valleys, and furnish one of the many interesting problems in the physical geology of the region.

All of the lines of post-Lahontan displacement that are actually known to exist in the Lahontan basin are sketched on Plate XLIV, with as much accuracy as the topography of the map admits. It is evident that our knowledge of this phenomenon is incomplete, as only the more recent displacements are apt to attract attention, for the reason that when erosion has modified the scarps it is frequently impossible to determine whether post-

[87] Second Annual Report U. S. Geological Survey, p. 192.

Quaternary movement has taken place or not. Could the full extent of the recent fault lines be indicated on the map, it is probable that they would form a complicated series of intersecting lines that would embrace nearly the entire area.

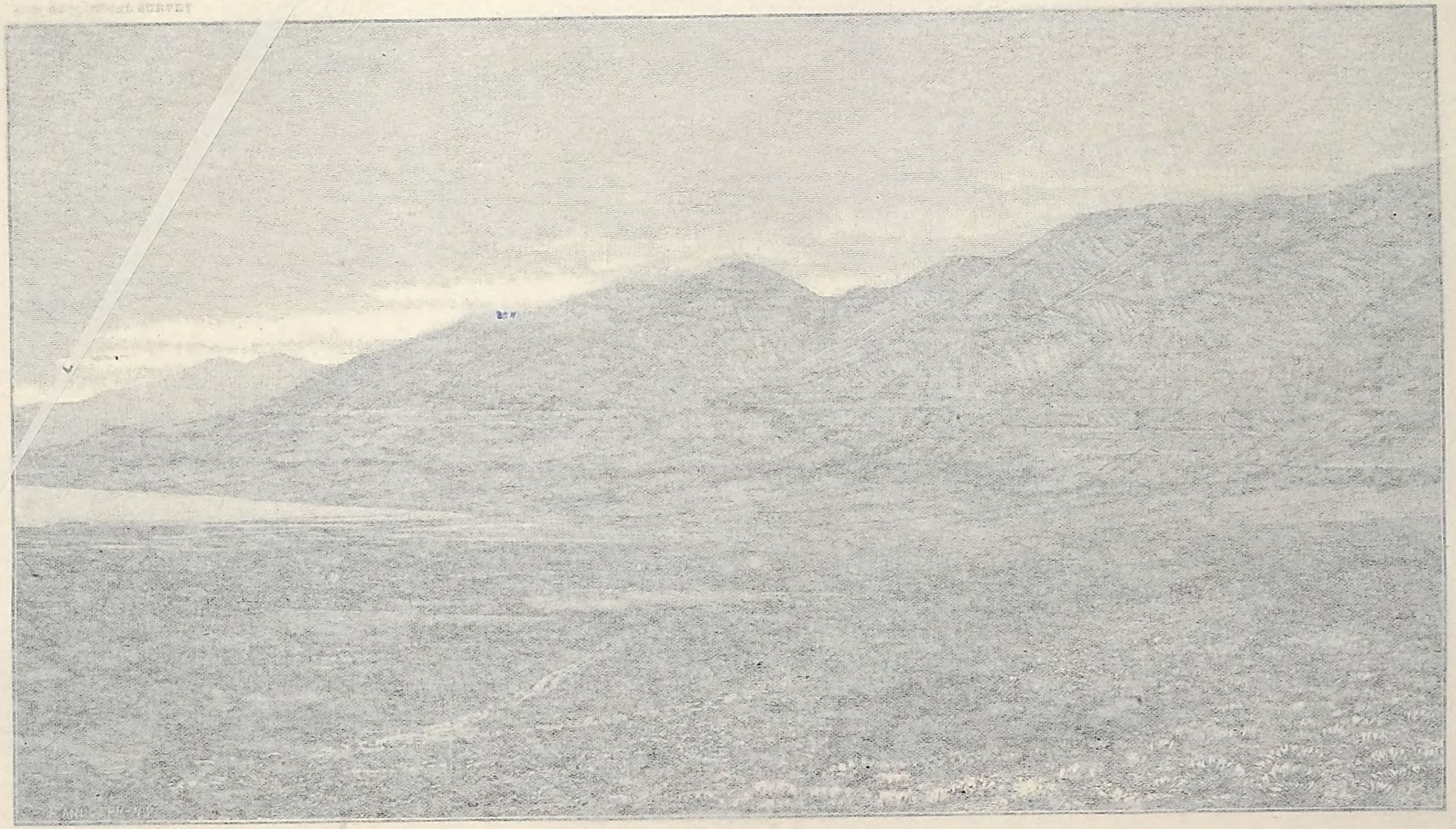
The first feature of general interest that presents itself upon commencing the study of these recent faults, is that they frequently, if not always, follow the courses of ancient displacements that are usually of great magnitude. They are recent movements of ancient faults.

The intimate association of thermal springs with recent faults is to be noticed not only in the basin of Lake Lahontan, but throughout the entire area of interior drainage thus far explored. It is also to be noticed that the hottest springs almost invariably occur on the lines of displacement that have suffered the most recent movement. So nearly constant is this correlation, that wherever thermal springs occur, other evidences of recent orographic movement are almost always at hand. The suggestion has been advanced in this connection[88] that the high temperature of the springs is due to the friction of the rocks along the sides of the fault plane. It is the conversion of motion into heat. As, however, the faults result from a profound fracturing of the earth's crust, it is evident that any water which finds its way into a fault may descend to great depths and consequently reach regions of high temperature; it is more than probable, therefore, that the springs derive at least a portion of their heat from the internal heat of the earth. It is impossible at present to determine how much of the heat affecting springs is caused by friction and how much is due to the prevailing high temperature of the earth at great depths. Probably both causes conspire to produce the results observed.

The intimate association of the thermal springs of the Lahontan basin with recent displacements may be illustrated by comparing Plates VIII and XLIV, which will show that but a very few thermal springs occur in this area that are not closely associated with recent faults.

The various lines of recent displacement in the Lahontan basin have so many features in common that it is unnecessary to enter into a detailed description of each. All that are represented on Plate XLIV, within the

[88] Third Annual Report U. S. Geological Survey, p. 232.



POST-QUATERNARY FAULT ON THE SOUTH SHORE OF HUMBOLDT LAKE

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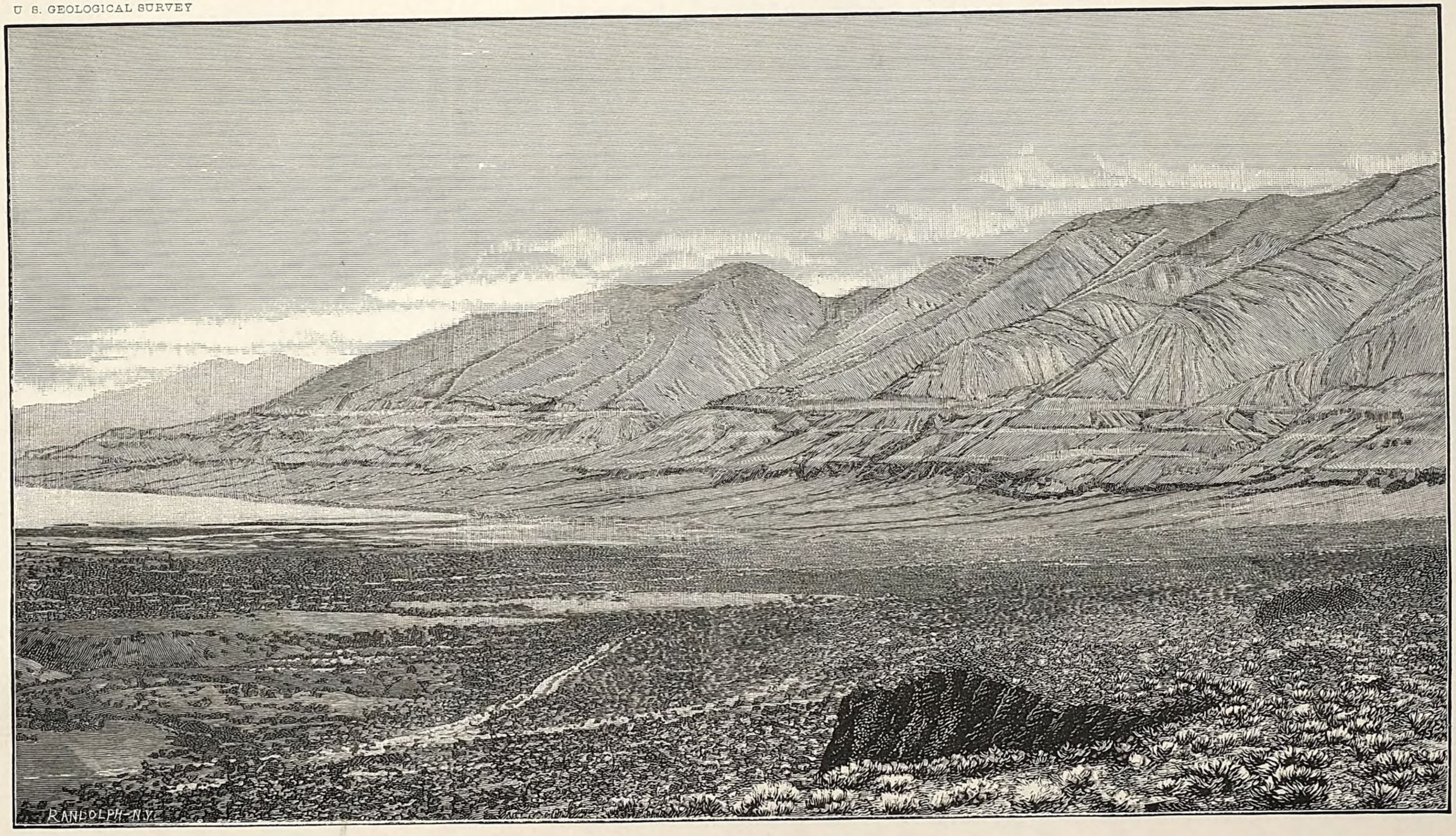

POST-QUATERNARY FAULT ON THE SOUTH SHORE OF HUMBOLDT LAKE.

borders of the ancient lake, exhibit scarps in lacustral beds and gravel deposits, and are therefore more recent than the last rise of the lake.

The appearance of the fault at the western base of the West Humboldt range is shown on Plate XLV; the point of view being near the southern end of Humboldt Lake. The precipitous mountain face shown in the picture is in reality an ancient fault scarp of grand proportions, which was somewhat eroded before the existence of Lake Lahontan. During the time the lake occupied Humboldt Valley its waves carved a number of terraces along the base of the mountains, which are represented in the sketch, and are familiar to many who have traveled over the Central Pacific Railroad. Between the highest terrace and the shore of the present lake there is an irregular line of cliffs—in part obscured by talus slopes—which has been produced by recent orographic movement. This fault scarp is composed principally of cemented gravels of Lahontan age, but in places the rock forming the mountains may be seen beneath the clastic beds. The character of the section exposed at many localities along this fault is represented in diagram *c*, Fig. 36. This fault scarp may be traced continuously from the Mopung Hills northward, along the bases of the West Humboldt and Star Peak ranges, to the neighborhood of Winnemucca, a distance of over a hundred miles; its full extent, however, remains to be determined. Throughout the greater part of its course it crosses alluvial slopes, with a fresh scarp from ten to twenty feet, or more, in height, its greatest magnitude being near its southern end. Along the eastern shore of Humboldt Lake it forms a nearly vertical escarpment, fully fifty feet high. At the Mopung Hills it divides into several branches, which may be traced to the border of the Carson Desert, and then become obscured.

In describing the shore phenomena on the Niter Buttes, a spur of the main range, at the southern end of Humboldt Lake (see *ante*, page 112), some account was given of sloping terraces, which indicate that orographic movement must have taken place during inter-Lahontan time. We have evidence, therefore, that the fault along the west base of the West Humboldt range attained a great magnitude previous to the existence of Lake Lahontan, that it underwent some disturbance during inter-Lahontan time, and

has increased its displacement fully fifty feet since the evaporation of the Quaternary lake.

The hot springs at Hot Springs Station, on the Central Pacific Railroad, occur on a line of recent displacement, which may be followed for a few miles, both north and south, from the present site of the springs. Deposits of extinct springs may be seen for a mile or more north of the present point of outflow, indicating that former openings, through which the springs rose, have been filled by calcareous deposits, thus compelling the waters to find other points of egress along the line of fracture.

The recent fault on the east side of the Carson Desert is marked by a low scarp in alluvium, and a change in the drainage where the displacement crosses Alkali Valley. East of Borax Springs, situated in Alkali Valley on the line of fracture, the slope of the desert surface is eastward, and conducts the drainage to the end of the valley where a lake of brine is formed, which on evaporating leaves a deposit of salt of economic importance. Alkali Valley is bordered on all sides by precipitous mountains, excepting where it opens into the Carson Desert, and formed a deep bay during the existence of Lake Lahontan. In passing from the Carson Desert into Alkali Valley no change in the nearly level desert surface is noticeable until the line of faulting is reached; the plain then inclines gently eastward as we have described. It is evident that this inclination of the desert surface has taken place in post-Lahontan times, and is due to a slight tilting of the orographic block on which Alkali Valley is located.

The course of the fault indicated on Plate XLIV, as crossing the northern border of Mason Valley, is rendered conspicuous in the topography of the valley bottom by a scarp from ten to twenty feet high in lacustral marls and clays, and by numerous thermal springs. This is probably a continuation or a branch of a displacement in Walker River Valley which presents a section of Lahontan sediments fully 150 feet high. In common with the majority of the recent displacement of northern Nevada, both ends of this fault are obscure and indeterminable.

What is probably a continuation of the series of disturbances observed in Mason Valley is indicated by a recent scarp along the east base of the Wassuck or Walker Lake range. The influence of this displacement on

the contour of the lake bottom is indicated to some extent by the soundings given on the map forming Plate XV. The lake is deepest in the immediate vicinity of the fault line.

It is probable that the direction taken by Walker River on leaving Mason Valley was determined by orographic movement, as it does not follow what appears to have been its natural course, but the character of this change is difficult to describe. The former outlet of Mason Valley was through a narrow gorge leading to the Carson River which it entered at a point opposite the site of Camp Churchill. This would probably have been the course taken by the stream when the waters of Lake Lahontan were withdrawn for the last time, had not orographic movement caused a slight change in the slope of the valley and thus deflected the river to the right. This phenomenon will be better understood on consulting the accompanying pocket map, where the ancient channel leading from Mason Valley to the Carson River is indicated.

That portion of the great Sierra Nevada fault which defines the western border of Carson and Eagle valleys has undergone a recent displacement of from ten to thirty feet, as is shown by fresh scarps in earth and gravel, and also by the outflow of heated waters at several localities. The recent scarp in this instance has been followed all the way from near Carson City to beyond Genoa; the full extent of the movement, however, far surpasses these limits.

The basin of Lake Tahoe is an orographic valley of the Great Basin type, but is situated at a high altitude in the Sierra Nevada on the border of the interior drainage area. With the exception of the hot springs at the northern end of the lake, no evidence is known to the writer tending to show that there has been recent orographic movement in its immediate vicinity.

The faults along the eastern base of the Pine Forest Mountains; on the western margin of the Black Rock range, from Black Rock point northward, and at the northern base of the Harlequin Hills are all marked in the topography of the country by recent scarps that seldom exceed twenty feet in height. At numerous points along these lines of displacement thermal springs come to the surface.

The large group of hot springs near Ward's ranch, on the western border of the Black Rock Desert, and the group at the east end of Granite Mountain, are both on lines of recent displacement.

The fault that crosses the western border of Smoke Creek Desert differs from most others in the Lahontan basin in the fact that it traverses the valley at a considerable distance from the mountains. Its course is marked by numerous thermal springs, and by a low scarp which at times becomes too indistinct to be easily traced. There is but little question that this line of displacement is a continuation of the fault to be seen at Granite Mountain, which apparently comes to view again along the borders of the Black Rock Desert farther northward. The connection between these various fragmental fault lines has not been traced, and we have represented on Plate XLIV only such portions as have actually been observed. The course of this fault across the southern portion of Smoke Creek Desert is indicated by a low and somewhat rounded scarp with a nearly east and west strike. The springs along the fracture irrigate the desert sufficiently to admit of the growth of grasses and desert shrubs which mark its course by a line of verdure through the absolute waste. Farther northward, in the neighborhood of Sheep Head Spring, the fault changes its course and becomes nearly north and south in its trend; farther northward, still, it bends more to the eastward, and, finally, near Round Hole Spring it has an approximately east and west strike. Its course is thus nearly crescent-shaped, but it has many more irregularities than we are able to represent on the accompanying map. On the line of this fault near Buffalo Springs there are a number of tufa piles rising abruptly from the desert to a height of thirty or forty feet, which exhibit the three varieties of tufa that are characteristic of the Lahontan calcareous precipitates. It is evident that the nuclei of these deposits were formed by subaqueous springs, as described in a previous chapter, thus showing that the fracture along which they are situated must have existed during the time the desert was occupied by the ancient lake. In a few instances the tufa piles situated immediately above the line of fracture have been split from base to summit by a recent orographic movement, and are now parted by vertical fissures two or three feet wide, into

which a person can descend a number of feet lower than the surface of the desert.

The fault described in the last paragraph is at such a distance from the highlands to the westward that no alluviation has taken place in its neighborhood. There has, therefore, been no transfer of load from one side of the displacement to the other. The thrown side of the fault underlies the broad desert and was lightened previous to the last fault-movement by the removal of 500 feet of water from its entire surface. It is quite evident, therefore, from the nature of the facts, that the unequal loading of contiguous orographic blocks, which has been assumed as an explanation of fault movements in certain instances, cannot be considered an element in the present example.

A fault along the northern side of Honey Lake Valley shows about as great an amount of post-Lahontan movement as any in the basin. In this instance the trend of the fault is irregular, but in general its course is northwest and southeast; its hade is nearly perpendicular, and the recent displacement at times exceeds a hundred feet. The thrown block underlies Honey Lake Valley. From the position of the present lake and the direction of drainage in the valley, it seems evident that the mountains between Smoke Creek Desert and Honey Lake Valley must have been upheaved to produce this fault. A similar but more gentle movement of the same mountain mass would account for the recent scarp described above which crosses the Smoke Creek Desert.

The faults represented on Plate XLIV, to the north of the Lahontan drainage area, are of the same character as those already described, and will require but a word of explanation at this time.

The recent displacement on the west side of Surprise Valley, California, has a throw varying from 20 to 50 feet, and may be traced for nearly a hundred miles across alluvial slopes and gravel embankments of Quaternary age. As in numerous other instances, its course is marked by thermal springs, some of which are of high temperature and afford a large volume of water. The fault along the eastern base of the Stein Mountains, Oregon, falls in this same category, and together with other similar displacements

in the same region will be found described briefly in the Fourth Annual Report of the U. S. Geological Survey.[89]

From the studies of the recent displacements of the Lahontan basin which we have been enabled to make, it seems safe to conclude that these orographic movements are but the continuation of a series which had its beginning long previous to the Quaternary. These movements were in progress during the existence of Lake Lahontan, as indicated by sloping terraces, and no less plainly by tufa deposits along lines of fracture. As shown above, the evidence that these movements have been in progress in very recent times is abundant. The character of the phenomena is such that it is impossible to resist the conclusion that the forces which produced the results described are still in action.

Whether the faults have been formed gradually without any marked disturbance, or whether they have been paroxysmal, is not definitely known. That earthquakes are felt from time to time in various parts of the Great Basin, and the results produced by the Owen's Valley earthquake of 1872, tend to the conclusion that the orographic movements have been paroxysmal in their nature.

The Owen's Valley earthquake, it will be remembered, resulted in the formation of a false scarp of the same character as those we have been describing, which may be traced for a number of miles As reported by Mr. Gilbert, who recently visited Owen's Valley, the main scarp produced in 1872 varies from 10 to 20 feet in height, hades eastward at a high angle, and agrees in all its features with the similar scarps observed throughout the Great Basin. This is apparently the latest slip in the great Sierra Nevada displacement.

In the case of all the recent faults of the Great Basin thus far examined, the movement has been nearly vertical, and but slight crumpling or contortion of the adjacent strata has taken place.

A general view of the phenomena presented suggests that in the majority of instances the blocks now forming the mountains have been raised vertically, while those beneath the valleys remained nearly undisturbed. This hypothesis cannot be sustained by direct proof, however,

[89] Pages 442–454.

and meets with apparent opposition in the case of the fault along the western border of Walker Lake. In this instance a depression of the thrown block is indicated by the deepening of the waters of the lake as one approaches the line of displacement. As pointed out by Mr. Gilbert, Great Salt Lake has probably been shifted to the eastward of its normal position by orographic movement, which we may consider, at least in part, as the result of a movement of the great Wasatch fault; thus indicating that the thrown side of the displacement was depressed.

By way of a summary of this chapter we may state that the recent faults of the Great Basin have the following characteristics:

They are irregular and angular in their course, in reference to both vertical and horizontal planes.

They occur most commonly on the steeper side of the basin ranges, and, so far as known, invariably hade toward the valley, *i. e.*, the valleys occupy the thrown sides of the displacements.

Their scarps occur in alluvium and in lacustral beds, and cut the embankments and terraces of Quaternary lakes; many times they present fresh slopes of earth and gravel that are unclothed by vegetation, and but little affected by erosion. Occasionally they cross stream-beds and cause rapids; as is the case where the Wasatch fault crosses American Fork, Utah.

At hundreds of localities thermal springs come to the surface along the lines of fracture.

In the majority of instances the recent movement has taken place along ancient lines of displacement; the post-Quaternary fault in such cases is but a small fraction of the entire disturbance.

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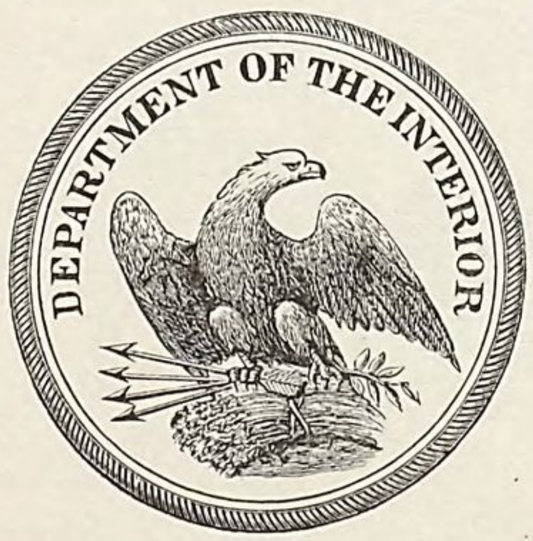

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UNITED STATES GEOLOGICAL SURVEY

J. W. POWELL, DIRECTOR

DINOCERATA

A

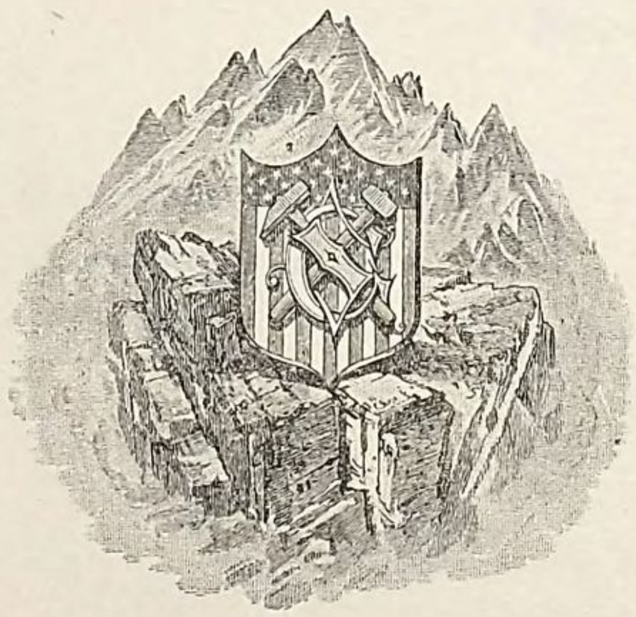
MONOGRAPH

OF AN

EXTINCT ORDER OF GIGANTIC MAMMALS

BY

OTHNIEL CHARLES MARSH



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UNITED STATES GEOLOGICAL SURVEY,
DIVISION OF PALÆONTOLOGY,
NEW HAVEN, CONN., *December* 18, 1884.

SIR:

In compliance with your letter of instructions, dated October 5, 1882, I have the honor to transmit herewith a Monograph of the DINOCERATA, an extinct order of Mammals discovered in the Eocene deposits of Wyoming Territory.

Very respectfully,

Your obedient servant,

O. C. MARSH,
Palæontologist-in-Charge.

HON. J. W. POWELL,
Director of the U. S. Geological Survey,
Washington, D. C.

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All the illustrations in the present volume are original, with the exception of nine woodcuts, for which due credit is given on the pages where they are used.

PREFACE.

The present Memoir is the second of a series of Monographs designed to make known to science the Extinct Vertebrate Life of North America. In the first volume, on the *Odontornithes*, or Birds with Teeth, the author gave the result of his investigations of that remarkable group, which he discovered in the Cretaceous deposits on the Eastern slope of the Rocky Mountains.

This second Monograph contains the full record of a peculiar order of Mammals, which the author also brought to light in the early Tertiary strata of the great central plateau of the continent.

In preparing the present volume, it has been the aim of the author to do full justice to the ample material at his command, and, where possible, to make the illustrations tell the main story to anatomists. The text of such a Memoir may soon lose its interest, and belong to the past, but good figures are of permanent value in all departments of Natural Science. What is now especially needed in Palæontology is, not long descriptions of fragmentary fossils, but accurate illustrations of characteristic type specimens. In the fifty-six lithographic plates, and nearly two hundred original woodcuts, in the present volume, it is believed that this requirement is fairly met; since all the more important specimens of the *Dinocerata* now known are represented, and at least one figure is given of every species.

The same general plan will be followed in the third Monograph, on the *Sauropoda*, which comes next in the series, and is now approaching completion. Ninety lithographic plates, and a large number of woodcuts, will be used to illustrate it. The fourth volume, on the *Stegosauria*, which follows, will likewise be very fully illustrated. A great portion of the lithographic plates to accompany it are finished, and part of them are already printed. Other monographs of the series, now in preparation, will appear in due time.

To General Sheridan and General Sherman of the United States Army, the author's best thanks are due for important assistance in his Western explorations, during which the discoveries here recorded were made. Other officers of the Army, who commanded his escort, and aided him in many ways, also deserve grateful acknowledgments.

For direct aid in collecting the specimens on which the present volume is based, the author is indebted to the members of the Yale College expeditions, which explored so successfully many portions of the Western Territories.

The thanks of the author are especially due to Mr. Oscar Harger, assistant in the Yale Museum, for valuable aid in the field, and in the preparation of the present memoir Messrs. S. W. Williston, G. Baur, and M. Schlosser, also his assistants, have likewise aided, especially while the volume was passing through the press.

YALE COLLEGE, New Haven, Conn., December 15th, 1884.

INTRODUCTION.

Among the many extinct animals discovered in the Tertiary deposits of the Rocky Mountain region, none, perhaps, are more remarkable than the huge mammals of the order *Dinocerata*. Their remains have hitherto been found in a single Eocene lake-basin in Wyoming, and none are known from any other part of this country, or from the Old World. These gigantic beasts, which nearly equalled the elephant in size, roamed in great numbers about the borders of the ancient tropical lake in which many of them were entombed.

This lake-basin, now drained by the Green River, the main tributary of the Colorado, slowly filled up with sediment, but remained a lake so long that the deposits formed in it, during Eocene time, reached a vertical thickness of more than a mile. The Wasatch Mountains on the West, and the Uinta chain on the South, were the main sources of this sediment, and still protect it, but the Wind River range to the North, and other mountain elevations, also sent down a vast amount of material into this great fresh-water lake, then more than one hundred miles in extent.

At the present time, this ancient lake-basin, now six to eight thousand feet above the sea, shows evidence of a vast erosion, and probably more than one-half of the deposits once left in it have been washed away, mainly through the Colorado River. What remains forms one of the most picturesque regions in the whole West, veritable *Mauvaises terres*, or bad lands, where slow denudation has carved out cliffs, peaks, and columns of the most fantastic shapes, and varied colors.

1

This same action has brought to light the remains of many extinct animals, and the bones of the *Dinocerata*, from their great size, naturally first attract the attention of the explorer.

The first remains of the *Dinocerata* discovered were found by the author, in September, 1870, while investigating this Eocene lake-basin, which had never before been explored. Various remains of this group were also collected by other members of the expedition, and among the specimens thus secured was the type of *Tinoceras anceps*, described by the author in the following year, and now more fully in the present volume. In the same geological horizon with these remains, a rich and varied vertebrate fauna, hitherto unknown, was found.

Among the animals here represented were ancestral forms of the modern horse and tapir, and also of the pig. Many others were found related to the recent Lemurs; also various Carnivors, Insectivors, Rodents, and small Marsupials; and of still more importance, remains were here brought to light of another new order of mammals, the Tillodonts, quite unlike any now living. Crocodiles, tortoises, lizards, serpents, and fishes also swarmed in and about the waters of this ancient lake, while around its borders grew palms, and other tropical vegetation.

A later Eocene lake-basin, south of the Uinta Mountains, was discovered, in October, 1870, by the same expedition, and named by the author Uinta basin. In the attempt to explore it, our party endured much hardship, and also were exposed to serious danger, since we had only a small escort of United States soldiers, and the region visited was one of the favorite resorts of the Uinta Utes. These Indians were then, many of them, insolent and aggressive, and since have been openly hostile, at one time massacring a large body of government troops sent against them. Two subsequent attempts by the author to explore this basin met with little success. This lower lake was of upper Eocene age, and its extinct fauna appears to correspond more nearly to that of the Paris basin than any other yet discovered in this country.[1]

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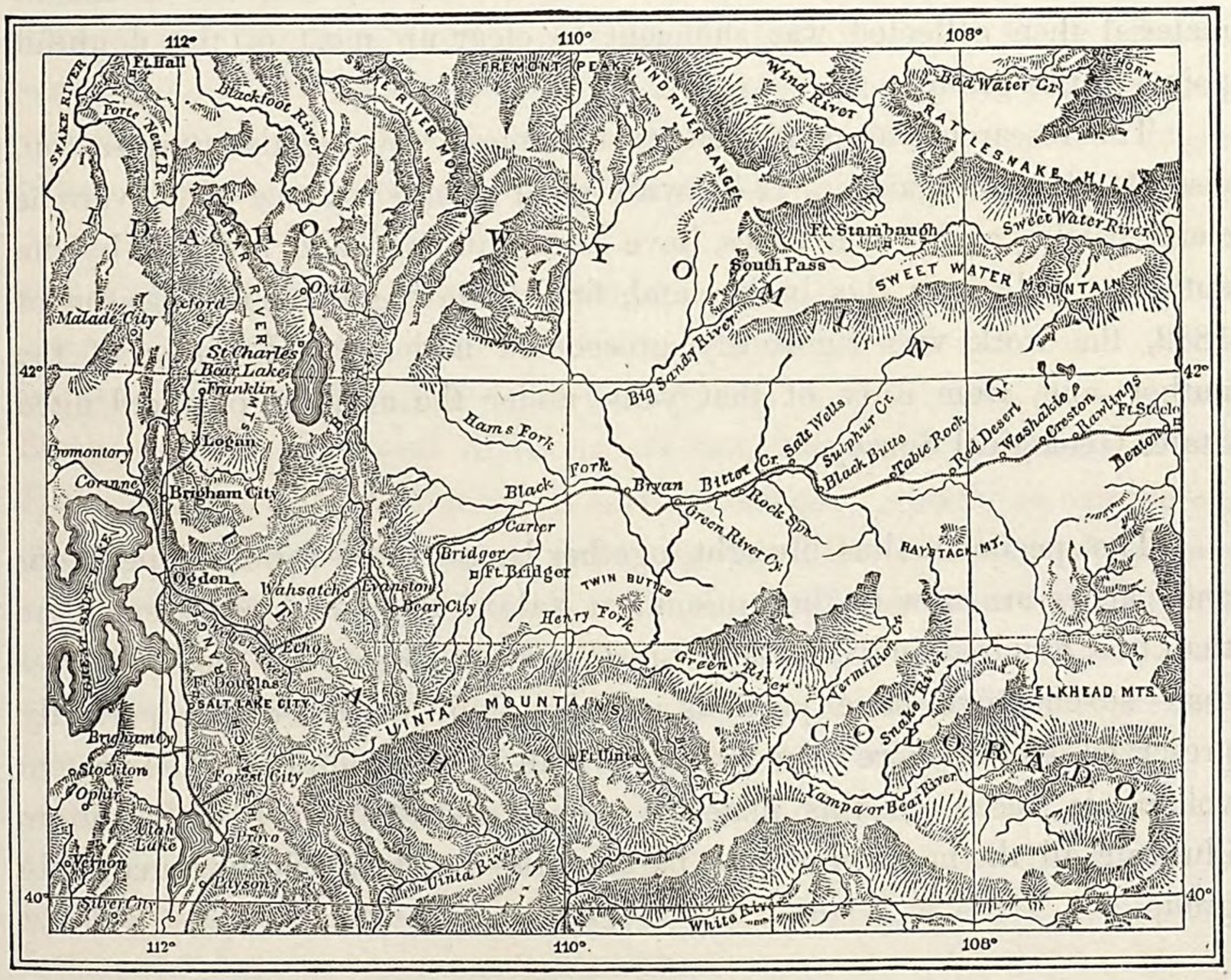
[1] Some results of this Expedition may be found in an article by the author on the "Geology of the Eastern Uintah Mountains," American Journal of Science and Arts, vol. i, p. 191, March, 1871.

The remarkable Eocene basin North of the Uinta Mountains, where alone the *Dinocerata* had been found, offered so inviting a field for exploration, that in the spring of the following year, 1871, the author began its systematic investigation. An expedition was again organized, with an escort of United States soldiers, and the work continued during the entire season. Among the very large collections thus secured, were numerous specimens of the *Dinocerata*, which furnished important characters of the group.

Fig. 1.



Map showing region of Dinoceras beds.

In the succeeding spring, 1872, the explorations in this region were continued, and soon resulted in the discovery of the type specimen, including the skull and a large portion of the skeleton, of *Dinoceras mirabile*, and on this new genus the author based the order *Dinocerata*

Other important specimens, obtained at this time, and described by the author, were the types of *Dinoceras lucare*, *Tinoceras grande*, *Tinoceras lacustre*, and others of scarcely less interest.

In the following season, 1873, the author organized another large expedition, with government escort, and made a very careful examination of the regions in this same basin that remained unexplored. One of the specimens of special importance thus secured was the type of *Dinoceras laticeps*, with the skull and lower jaw nearly complete. Many other individuals of the *Dinocerata* were also discovered, and the abundant material then collected was sufficient to clear up most of the doubtful points in this group.

The research was continued systematically during the next season, also, 1874, and again in 1875, with good results. Since then, various small parties, at different times, have been equipped and sent out by the author to collect in this basin; and, finally, during the entire season of 1882, the work was vigorously prosecuted under the direction of the author, and, from July of that year, under the auspices of the United States Geological Survey.

The specimens thus brought together by all these various expeditions and parties are now in the museum at Yale College, and represent more than two hundred individuals of the *Dinocerata* alone. Of these, not less than seventy-five have portions of the skull more or less perfectly preserved, and in more than twenty it is in good condition. The present volume is based on this material, amply sufficient, it is believed, to illustrate all the more important parts of the structure of this remarkable group.

The remaining material of the *Dinocerata*, now known, consists of a few specimens collected by Dr. Leidy in 1872, including the type of the genus *Uintatherium;* various remains secured in the same year by Prof. Cope, to which he applied the names *Loxolophodon* and *Eobasileus*, with a later acquisition, called *Bathyopsis;* and a number of specimens more

recently obtained by parties from Princeton College. Although these remains show few, if any, characters of the *Dinocerata* not better represented in the larger collection of the Yale Museum, full references to the more important specimens, in most cases with illustrations, are given in the present memoir, especially in the Synopsis at the end of the volume.

The *Dinocerata* have hitherto been found in a well marked geological horizon of the middle Eocene. The relations of this horizon to other deposits of Tertiary age are important, and cannot readily be understood without having in mind the principal changes that took place in the geology of the Rocky Mountain region during this period. These changes and their results may be briefly stated as follows:

The Tertiary of Western America comprises the most extensive series of deposits of this age known to geologists, and important breaks in both the rocks and the fossils separate it into three well-marked divisions. These natural divisions are not the exact equivalents of the Eocene, Miocene, and Pliocene of Europe, although usually so considered, and known by the same names; but, in general, the fauna of each appears to be older than that of its corresponding representative in the other hemisphere; an important fact, but little recognized. This partial resemblance of our extinct faunas to others in regions widely separated, where the formations are doubtless somewhat different in geological age, is precisely what we might expect, if, as was probable, the main migrations took place from this continent. It is better at once to recognize this general principle, rather than attempt to bring into exact parallelism formations that were not contemporaneous.

The fresh-water Eocene deposits of our Western Territories, which are in the same region at least two miles in vertical thickness, may be separated into three distinct subdivisions. The lowest of these, resting unconformably on the Cretaceous, has been termed the Vermilion Creek, or Wasatch, group. It contains a well-marked mammalian fauna, the

largest and most characteristic genus of which is the ungulate *Coryphodon*, and hence the author has called these deposits the Coryphodon beds. The middle Eocene strata, which have been termed the Green River and Bridger series, has been designated by the author the Dinoceras beds, as the gigantic animals of this order are only found here. It is, however, better to separate the Green River series, under the term Heliobatis beds, and this is done in the present volume. The name Dinoceras beds will then apply to the Bridger series alone. The uppermost Eocene, or the Uinta group, is especially well characterized by large mammals of the genus *Diplacodon*, and hence termed by the author Diplacodon beds. The fauna of each of these three subdivisions was essentially distinct, and the fossil remains of each were entombed in different and successive ancient lakes.

It is important to remember that these Eocene lake-basins all lie between the Rocky Mountains on the east and the Wasatch Range on the west, or along the high central plateau of the continent. As these mountain chains were elevated, the inclosed Cretaceous sea, cut off from the ocean, gradually freshened, and formed these extensive lakes, while the surrounding land was covered with a luxuriant tropical vegetation, and with many strange forms of animal life. As the upward movement of this region continued, these lake-basins, which for ages had been filling up, preserving in their sediments a faithful record of Eocene life-history, were slowly drained by the constant deepening of the outflowing rivers, and they have since remained essentially dry land.

The Miocene lake-basins are on the flanks of this region, where only land had been since the close of the Cretaceous. These basins contain three faunas, nearly or quite distinct. The lowest Miocene, which is found east of the Rocky Mountains, alone contains the peculiar mammals known as the *Brontotheridæ*, and these deposits have been called by the author the Brontotherium beds. The strata next above, which represent the middle Miocene, have as their most characteristic fossil the genus *Oreodon*, and are known as the Oreodon beds. The upper Miocene, which occurs in Oregon, is of great thickness, and from one of its most important fossils, *Miohippus*, has been designated as the Miohippus series. The climate here during this period was warm temperate.

FIG. 2.

CENOZOIC.		Recent. Quaternary.		Tapir, Peccary, Bison, Llama. *Bos, Equus, Megatherium, Mylodon.*
	Tertiary.	Pliocene.	Equus Beds.	*Equus, Tapirus Elephas.*
			Pliohippus Beds.	*Pliohippus, Tapiravus, Mastodon, Protohippus, Procamelus, Ceratherium, Bos, Morotherium.*
		Miocene.	Miohippus Beds.	*Miohippus, Diceratherium, Thinohyus.*
			Oreodon Beds.	*Oreodon, Eporeodon, Hyænodon, Hyracodon.* Edentates (*Moropus*).
			Brontotherium Beds	*Brontotherium, Menodus, Mesohippus, Elotherium.*
		Eocene.	Diplacodon Beds.	*Diplacodon, Epihippus, Amynodon.*
			Dinoceras Beds.	*Dinoceras, Tinoceras, Uintatherium, Limnohyus, Palæosyops, Orohippus, Helaletes, Hyrachyus, Colonoceras.*
			Green River, or Heliobatis, Beds.	*Heliobatis, Amia, Lepidosteus.*
			Coryphodon Beds.	*Coryphodon, Eohippus.* Lemurs, Carnivores, Ungulates, Tillodonts, Rodents, Serpents.
MESOZOIC.	Cretaceous.		Laramie Series, or Hadrosaurus Beds.	*Hadrosaurus, Dryptosaurus* (*Lælaps*).
			Fox Hill group.	
			Colorado Series, or Pteranodon Beds.	Birds with Teeth (*Odontornithes*), *Hesperornis, Ichthyornis.* Mosasaurs, *Edestosaurus, Lestosaurus, Tylosaurus.* Pterodactyls (*Pteranodon*). Plesiosaurs.
			Dakota Group.	
	Jurassic.		Atlantosaurus Beds	Dinosaurs, *Atlantosaurus, Brontosaurus, Morosaurus, Diplodocus, Stegosaurus, Camptonotus, Allosaurus.* Turtles. Crocodiles. Mammals (*Dryolestes, Stylacodon, Tinodon, Ctenacodon*). Bird (*Laopteryx*). *Baptanodon* (*Sauranodon*).
			Baptanodon Beds.	
	Triassic.		Otozoum, or Conn. River, Beds.	First Mammals (*Dromatherium*). Dinosaur Foot-prints, *Amphisaurus*, Crocodiles (*Belodon*).
PALEOZOIC.	Permian.		Nothodon Beds.	Reptiles (*Nothodon, Sphenacodon*).
	Carboniferous		Coal Measures, or Eosaurus Beds.	First Reptiles (?) *Eosaurus*.
			Subcarboniferous, or Sauropus Beds.	First known Amphibians (Labyrinthodonts), *Sauropus.*
	Devonian.		Dinichthys Beds.	*Dinichthys.*
			Schoharie Grit.	First known Fishes.
	Silurian.		Upper Silurian.	No Vertebrates known.
			Lower Silurian.	
	Cambrian.		Primordial.	
			Huronian.	
	Archæan.		Laurentian.	

SECTION TO ILLUSTRATE VERTEBRATE LIFE IN AMERICA.

Above the Miocene, east of the Rocky Mountains, and on the Pacific coast, the Pliocene is well developed, and is rich in vertebrate remains. The strata rest unconformably on the Miocene, and there is a well-marked faunal change at this point, modern types now first making their appearance. For these reasons, we are justified in separating the Miocene from the Pliocene at this break; although in Europe, where no great break exists, the line seems to have been drawn at a somewhat higher horizon. Our Pliocene forms essentially a continuous series, although the upper beds may be distinguished from the lower by the presence of a true *Equus*, and some other existing genera. The Pliocene climate was similar to that of the Miocene. The Post-Pliocene beds contain many extinct mammals, and may thus be separated from recent deposits.[1]

With this introduction, the table of strata on page 7 will make clear the general position of the geological horizon in which the *Dinocerata* are found, and especially its relation to other deposits of Tertiary age. To make the subject clearer to the general reader, the section is enlarged to include the whole geological series. The names applied to the different horizons, some used here for the first time, are, in general, those of the most important vertebrates found in each, and the section thus becomes a condensed index of vertebrate life in America.

The localities in which the *Dinocerata* have been found are on both sides of the Green River, and mainly south of the Union Pacific Railroad, in Wyoming. Of two hundred individuals in the Yale Museum, about equal numbers were found east and west of this River, the distance between the extreme localities in this direction being more than one hundred miles. The map on page 3 covers this region, and the more important localities referred to in the volume are there indicated.

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[1] For a more complete presentation of this subject, see the author's address on the *Introduction and Succession of Vertebrate Life in America*, delivered before the American Association for the Advancement of Science, at Nashville, Tenn., Aug., 1877.

The remains of the *Dinocerata* are imbedded usually in indurated clays, gray or green in color, but sometimes they are found in hard sandstone. The series of strata enclosing them are at least five hundred feet in thickness in the same region, and all taken together are probably one thousand feet.

Among the fossils found associated with the *Dinocerata* are *Limnohyus* and *Palæosyops*, two genera of perissodactyl ungulates. They were somewhat larger than a Tapir, and in these strata are next in size to the *Dinocerata.* One or the other of these genera occurs wherever the *Dinocerata* have yet been found, but the remains extend through a greater thickness of strata than those of the former group. Another genus of ungulates in this horizon is *Orohippus*, a four-toed ancestor of the horse. Other prominent genera are *Colonoceras*, *Helaletes*, and *Hyrachyus*, related distantly to the Tapir and Rhinoceros.

Two genera, *Tillotherium* and *Stylinodon*, also found here, represent a remarkable order, named by the author, *Tillodontia.* They were nearly as large as a Tapir, and possessed characters resembling the Ungulates, the Carnivors, and the Rodents.

Among the Carnivors, the most formidable was *Limnofelis*, nearly as large as a lion, *Oreocyon*, of almost equal size, *Dromocyon*, somewhat smaller, and *Limnocyon*, about as large as a fox. Among the Lemuroid forms were *Hyopsodus* and *Lemuravus*, forming the family *Lemuravidæ*, and having some affinities with the South American Marmosets.

In addition to these, there were Marsupials, Insectivors, Chiroptera, and many Rodents, but apparently no true Quadrumana, or Edentates.

Besides these Mammals, there were numerous Reptiles, especially crocodiles, turtles, lizards, and serpents, in great numbers. Fishes were also abundant, especially the genera *Amia* and *Lepidosteus.*

The *Dinocerata* form a well marked order in the great group of *Ungulata.* In some of their characters, they resemble the Artiodactyls *(Paraxonia);* in others, they are like the Perissodactyls *(Mesaxonia);* and

in others still, they agree with the Proboscidians. The points of similarity, however, are in most cases general characters, which point back to an earlier, primitive, ungulate, rather than indicate a near affinity with existing forms of these groups. This subject will be more fully discussed in the concluding chapters of the present memoir.

The *Dinocerata*, so far as now definitely known, may be placed in three genera, *Dinoceras*, Marsh, *Tinoceras*, Marsh, and *Uintatherium*, Leidy. The type specimen of *Uintatherium* was discovered near the base of the series of strata containing the remains of the *Dinocerata*. *Dinoceras*, so far as known, occurs only at a higher horizon, while *Tinoceras* has been found at the highest level of all. The characters of these three genera correspond in general with their geological position. *Uintatherium* appears to be the most primitive type, and *Tinoceras* the most specialized, *Dinoceras* being an intermediate form. The material at hand for determining the characters of the two latter forms is abundant, but in regard to *Uintatherium*, some important points relating both to the skull and skeleton still remain in doubt.

The number of species of the known *Dinocerata* is a difficult matter to determine, especially as the limitations between species are now generally regarded as uncertain. About thirty forms, more or less distinct, are recognized in the Synopsis at the end of the volume. The number might easily be increased, if fragmentary specimens were used as the basis for specific names.

DINOCERATA.

CHAPTER I.

THE SKULL.

(Plates I–XIX, LV, and LVI.)

The skull of *Dinoceras mirabile*, the type of the genus *Dinoceras*, on which the order *Dinocerata* was based, is, fortunately, the most perfect in preservation of any yet discovered in this group. It has in addition the great advantage for study of having belonged to an animal fully adult, but not so old as to have the more important sutures of the skull obliterated. It was, moreover, imbedded in so soft a matrix that the brain-cavity and the foramina leading from it could be worked out without difficulty.

In removing the skull from the rock, on the high and almost inaccessible cliff where it was found, two or three important fragments were lost, but the author subsequently made a systematic and laborious search, and recovered them from the bottom of a deep ravine where they had been washed down and covered up.

In its present nearly perfect condition, this skull is well adapted to show the typical characters of this part, both in the genus it represents, and in the order *Dinocerata*, and it will be largely used for this purpose in the following pages. The fact that a considerable portion of the skeleton, also, was found with this skull makes the individual especially worthy to be a type.

The number of this specimen, in the Catalogue of the Yale Museum, is 1036, and in the following pages this number will be used to distinguish this type from other individuals of the same species. Other important specimens will likewise be designated by their catalogue numbers.

The skull of *Dinoceras mirabile* is long and narrow, the facial portion being greatly produced. The basal line, extending from the end of the premaxillaries along the palate to the lower margin of the foramen magnum, is nearly straight. The top of the skull supports three, separate, transverse pairs of osseous elevations, or horn-cores, which form its most conspicuous feature, and suggested the name of the genus. The smallest of these protuberances are situated near the extremity of the nasals; two others, much larger, arise from the maxillaries, in front of the orbits; while the largest are mainly on the parietals, and are supported by an enormous crest, which extends from near the orbits entirely around the lateral and posterior margins of the true cranium. These general characters are well shown in Plate I, which represents the skull of the type specimen.

There are no upper incisors, but the canines in the male are enormously developed, forming sharp, trenchant, decurved tusks, which were each protected by a dependent process on the lower jaws. The premolar and molar teeth are very small.

The orbit is large, and confluent with the temporal fossa. The latter is of great extent posteriorly, but the zygomatic arches are only moderately expanded. There is no post-orbital process, but in *Dinoceras mirabile*, and in some other species, there is a prominence on the frontal bone, directly over the orbit.

The Nasal Bones.

The nasal bones are greatly elongated, being nearly half the length of the entire skull. They project forward over the anterior nares, and overhang the premaxillaries. They are thick and massive bones, especially in front, and are united together by a nearly straight suture.

In specimens not fully adult, this suture remains an open fissure, and even in some adults it is not closed, especially in the anterior part.

The osseous prominences on the extremity of the nasal bones are their most marked feature. These vary much in form and size in the different genera of the group, and appear to be characteristic of the species.

FIG. 3.

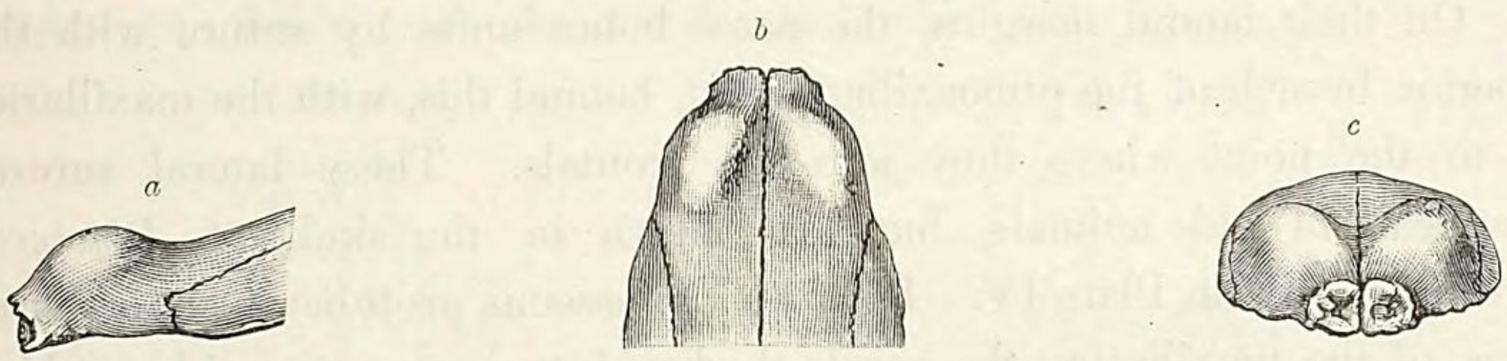

FIG. 4.

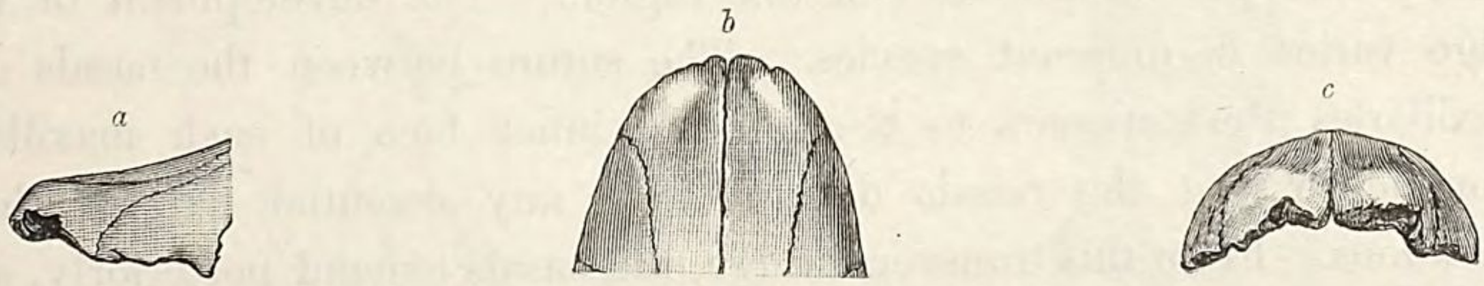

FIG. 5.

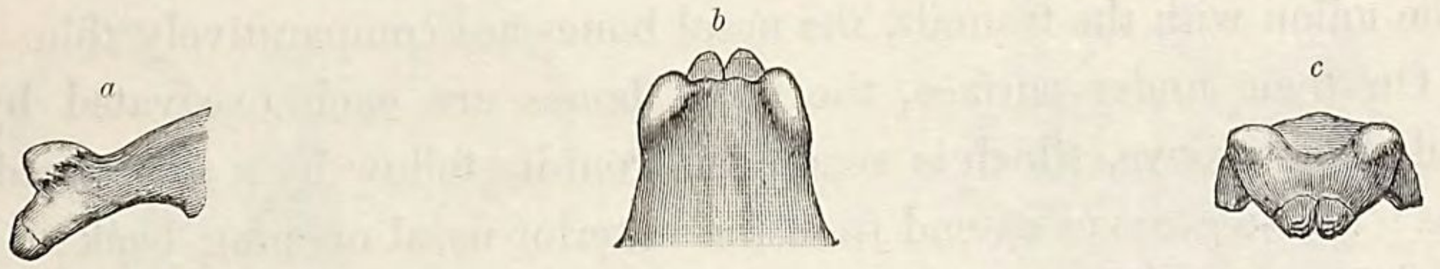

FIG. 6.

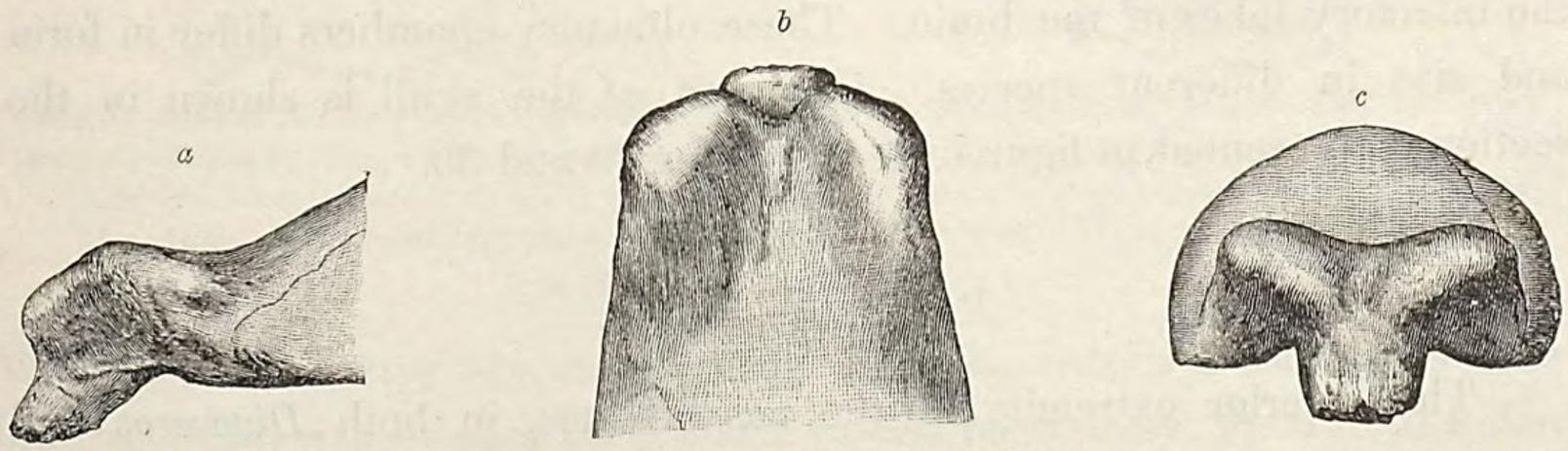

FIGURE 3.—Nasals of *Dinoceras mirabile*, Marsh (No. 1036); type specimen.
FIGURE 4.—Nasals of *Dinoceras distans*, Marsh (No. 1601); young male.
FIGURE 5.—Nasals of *Tinoceras pugnax*, Marsh (No. 1044).
FIGURE 6.—Nasals of *Tinoceras annectens*, Marsh (No. 1043).
a. side view; *b*. top view; *c*. front view.

All the figures are one-fifth natural size.

In *Dinoceras*, they are small and sessile, and are directed upward, and somewhat outward; in *Tinoceras* they are larger, in most specimens, and project more horizontally, usually not beyond the apex of the nasals. Some of the characteristic forms of these nasals are given above, figures 3–6, page 13, and others will be found under the different species in the Synopsis at the end of the volume.

On their lateral margins, the nasal bones unite by suture with the superior branch of the premaxillary, and, behind this, with the maxillaries up to the point where they join the frontals. These lateral sutures disappear in old animals, but are shown in the skull of *Dinoceras mirabile*, figured in Plate IV. Between the osseous protuberances, or horn-cores, of the maxillaries, the nasals thicken into a transverse ridge, which greatly strengthens the skull in this region. The development of this ridge varies in different species. The suture between the nasals and maxillaries thus appears to rise on the inner face of each maxillary prominence, but the nasals do not form any essential part of these elevations. From this transverse ridge, the nasals expand posteriorly, and meet the frontals by oblique sutures, converging behind to the median line. At the union with the frontals, the nasal bones are comparatively thin.

On their under surface, the nasal bones are each excavated by a broad deep groove, which is separated from its fellow by a sharp median ridge. These grooves extend from the anterior nasal opening back to the frontal bones, and then expand into large cavities immediately in front of the olfactory lobes of the brain. These olfactory chambers differ in form and size in different species. This part of the skull is shown in the sections represented in figures 30–33, pages 29 and 30.

Pre-Nasal Bones.

The anterior extremity of the nasal bones, in both *Dinoceras* and *Tinoceras*, is formed of an osseous projection, pointing forward and downward, and situated in front of and below the nasal protuberances. Several specimens in the Yale Museum show that this projection is formed

of two separate ossifications, each in front of its respective nasal bone. In figure 5, page 13, they are shown in position, with the sutures uniting them to the nasals, and to each other. These bones are a peculiar feature in the skull of *Dinocerata*, and may be called the pre-nasal bones. In very young animals, they are unossified; in adult animals, they are distinct, as in the specimen figured; but in very old animals they become co-ossified with the nasals, and with each other.

FIG. 7.

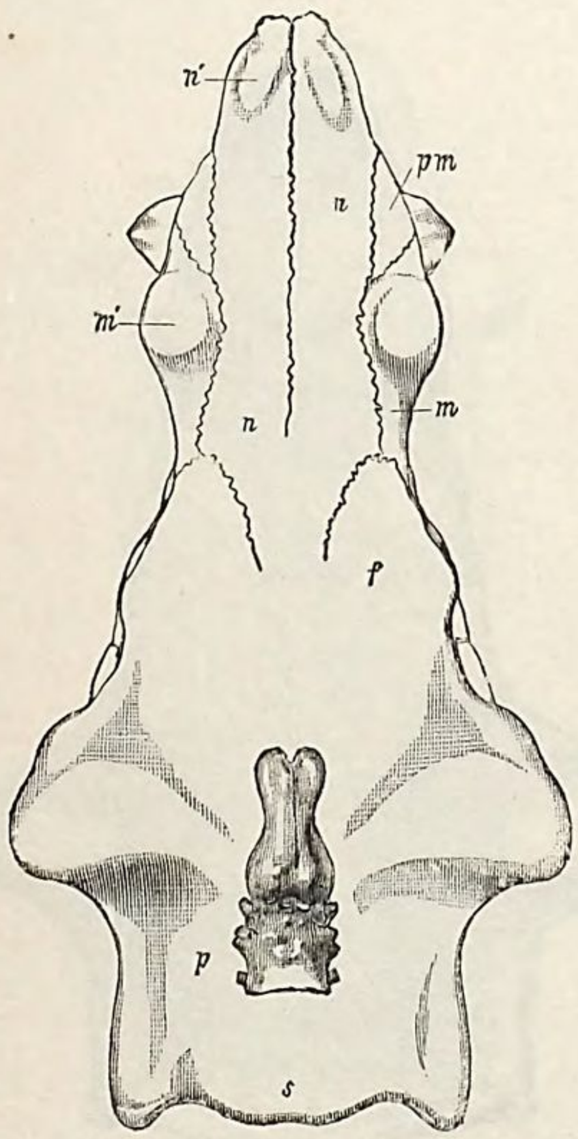

FIG. 8.

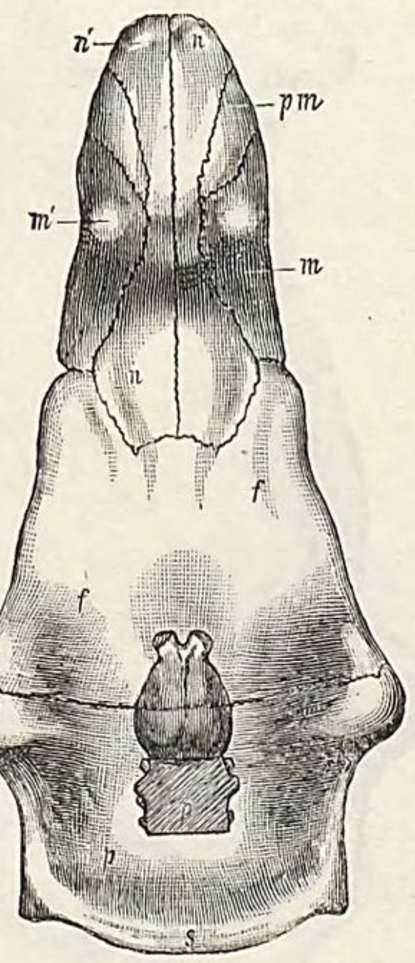

FIGURE 7.—Skull of *Dinoceras mirabile*, Marsh (No. 1036); with brain-cast in natural position; seen from above.
FIGURE 8.—The same view of a young specimen of *Dinoceras distans*, Marsh (No. 1601).
f. frontal bone; *m.* maxillary bone; *m'.* maxillary protuberance; *n.* nasal bone; *n'.* nasal protuberance; *p.* parietal bone; *p'.* parietal protuberance; *pm.* premaxillary bone; *s.* supra-occipital crest.
Both figures are one-eighth natural size.

When separate, they are subquadrate in form, flattened on the median line where they meet each other; and rugose posteriorly, for sutural union with the nasals. These pre-nasal bones appear to be homologous with the ossicle sometimes found at the extremity of the snout in suillines, especially in the genus *Sus*.

Frontal Bones.

The frontal bones in *Dinoceras mirabile* are shorter than the nasals. In all of the known skulls of the *Dinocerata*, the median suture uniting the two frontals is entirely obliterated. The sutures joining them with the nasals in front, and with the maxillaries on the side, is distinct in the type

Fig. 9.

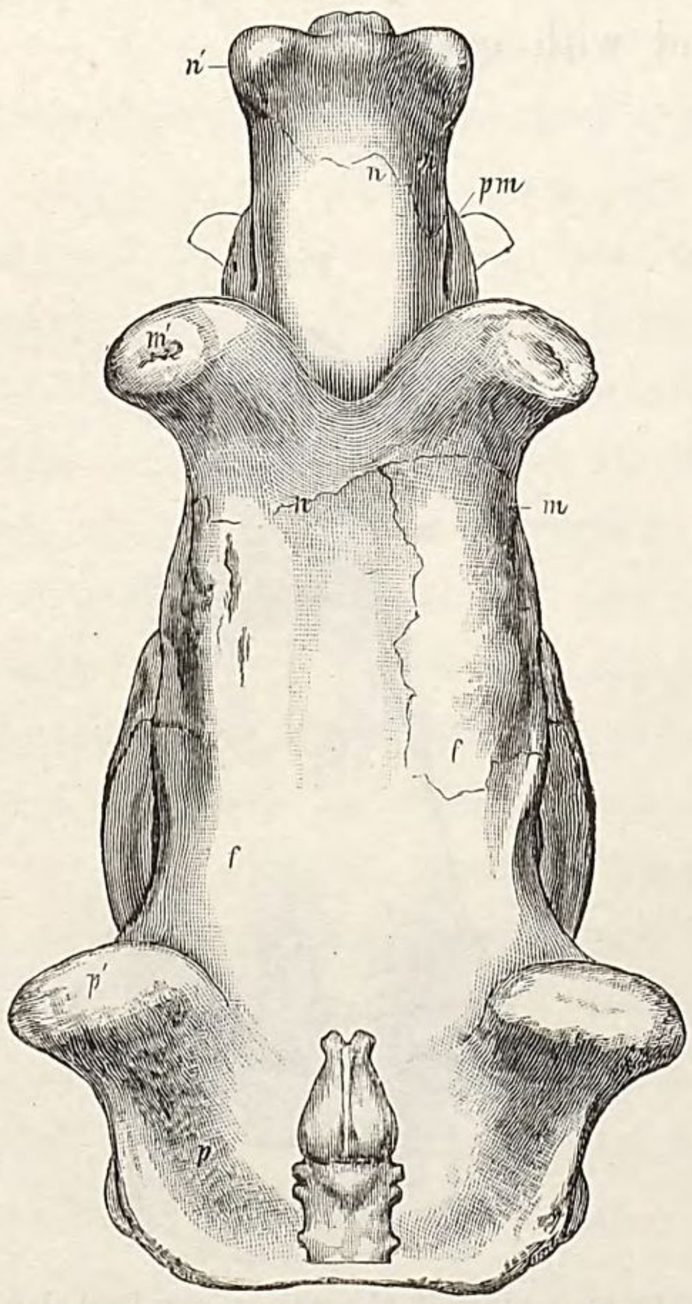

Fig. 10.

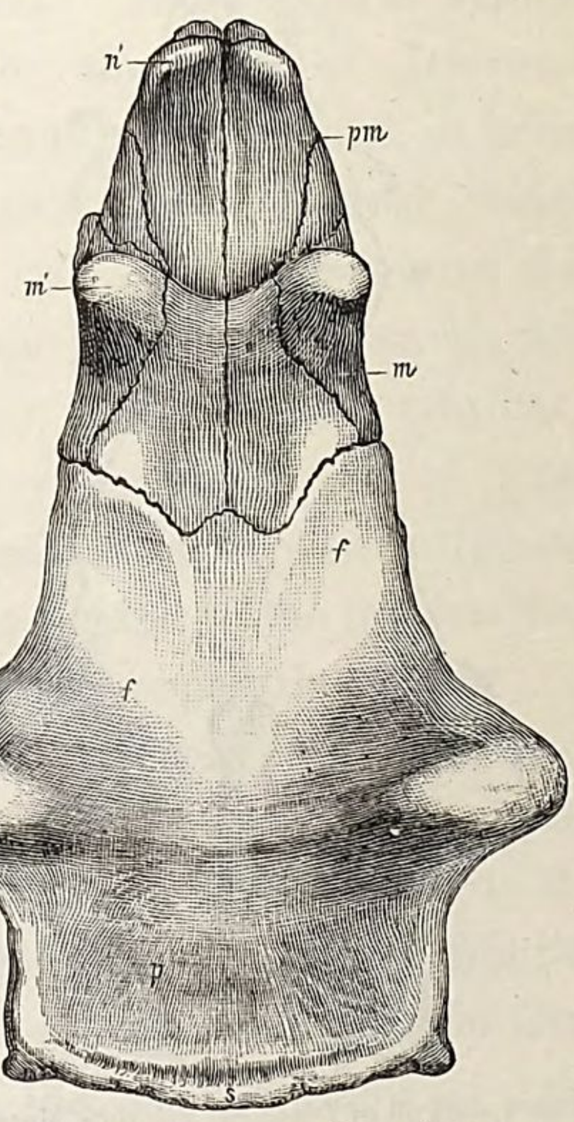

Figure 9.—Skull of *Tinoceras ingens*, Marsh (No. 1041); with brain-cast in position; seen from above.
Figure 10.—Same view of skull of *Dinoceras distans*, Marsh (No. 1235).
f. frontal bone; *m.* maxillary bone; *m'.* maxillary protuberance; *n.* nasal bone; *n'.* nasal protuberance; *p.* parietal bone; *p'.* parietal protuberance; *pm.* premaxillary bone; *s.* supraoccipital crest.

Both figures are one-eighth natural size.

of *Dinoceras mirabile*, as shown in Plates II and IV. In this specimen, there appeared to be indications of a suture uniting the frontals with the parietals, which indicated that the former bones were very short, and the latter very long. The fortunate discovery, however, of a very young individual of this genus has cleared up this point beyond doubt.

In this young specimen, the fronto-parietal suture is still open, and passes in a nearly straight line across the top of the cranium just in front of the summit of the cerebral hemispheres. It also divides the posterior elevations, or horn-cores, so as to leave the anterior part of them on the frontals, and the posterior and highest portion on the parietals. In all the other known specimens, this suture is nearly or quite obliterated, but distinct traces of it are seen in several crania in the Yale Museum.

FIG. 11.

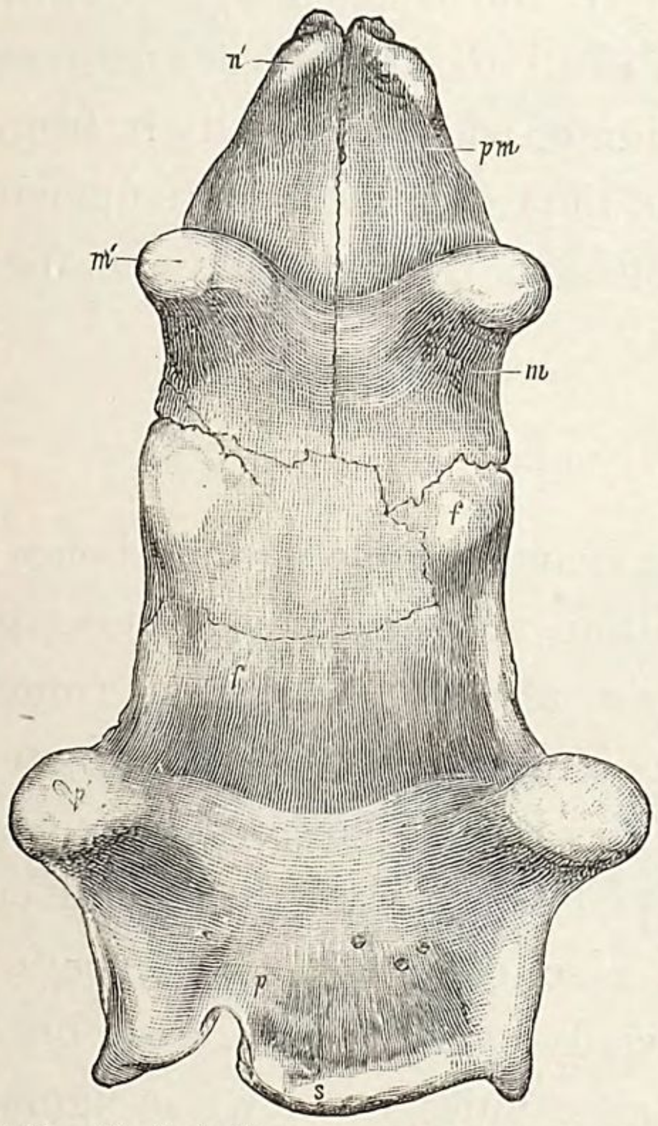

FIG. 12.

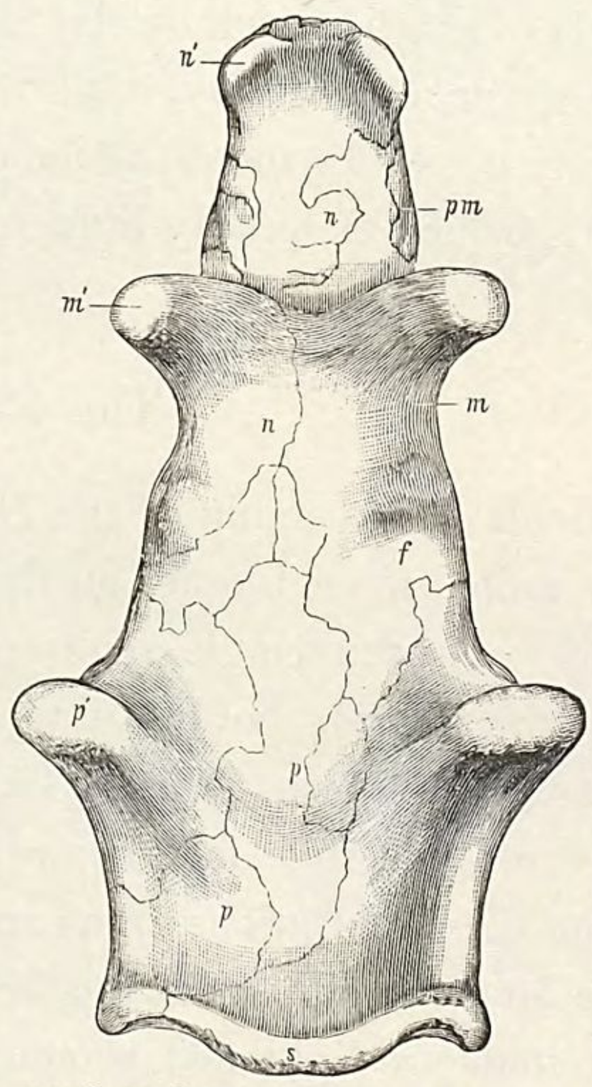

FIGURE 11.—Skull of *Uintatherium latifrons*, Marsh (No. 1231); seen from above.
FIGURE 12.—Same view of skull of *Tinoceras vagans*, Marsh (No. 1241).
f. frontal bone; *m.* maxillary bone; *m'.* maxillary protuberance; *n.* nasal bone; *n'.* nasal protuberance
p. parietal bone; *p'.* parietal protuberance; *pm.* premaxillary bone; *s.* supraoccipital crest.
Both figures are one-eighth natural size.

The position of this suture, and also that uniting the frontals with the nasals, and the latter with their adjoining bones, is well shown in figure 8, page 15, which represents the young specimen (number 1601) above referred to.

In *Dinoceras mirabile* (number 1036), the frontals are comparatively thin in front where they join the nasals. Over the orbits, they become

thicker, and swell into a distinct prominence, which afforded protection to the eye below. From this point back to the posterior protuberances, or horn-cores, the lateral margin of the frontal is thickened into a strong crest, which rises nearly to the summit of the elevations, leaving a distinct notch where they terminate. This depression marks the position of the fronto-parietal suture, here entirely obliterated.

On the side of the cranium, the frontal bones are bounded anteriorly by the maxillary above, and, lower down, by the lachrymal, as shown in Plate II. Further back on the top of the skull, the frontals are depressed, forming a deep concavity, the lowest portion of which is usually in front of the brain-case. In the posterior portion of the frontals, there are numerous air cells, which materially lighten these bones in this part of the cranium.

The Parietal Bones.

In all of the crania of the *Dinocerata* examined, the parietal bones are firmly united to each other on the medial line, and with the supra-occipital behind. In the single young specimen already mentioned (number 1601), the anterior border of these bones is distinctly marked by sutures, as shown in figure 8, page 15. The large posterior protuberances, or horn-cores, are thus mainly on the parietal bones, and the lateral crest, behind these elevations, appears to be also composed of the parietals. These bones are thick and massive, especially over the brain-case, but like the frontals are lightened somewhat by air cavities, as shown in figure 35, page 31. Between the osseous elevations, or horn-cores, on the parietals, there is a distinct transverse ridge, which strengthens this part of the cranium, and partially divides into two portions the deep concavity enclosed by the lateral and posterior crests. On the sides of the cranium, the parietals form the upper portion of the large temporal fossæ. The suture between the parietal and squamosal below may often be distinctly made out, as shown in Plate II. The share of the parietals in the lofty occipital crest, cannot, at present, be determined with certainty, as here, even in the youngest specimens known, the sutures are obliterated.

The Occiput.

The occipital region in all the known *Dinocerata* is large, elevated, and subquadrate in outline. It varies much in shape and size in the different genera and species, and several of the principal forms are represented below in figures 13–18.

Fig. 13.

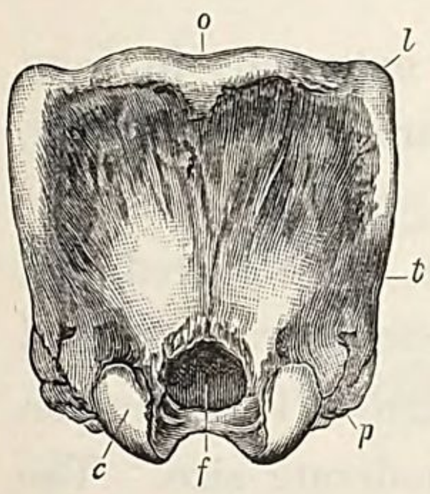

Fig. 14.

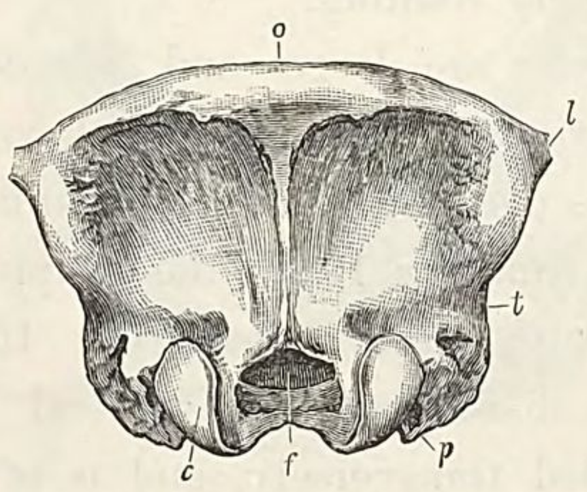

Fig. 15.

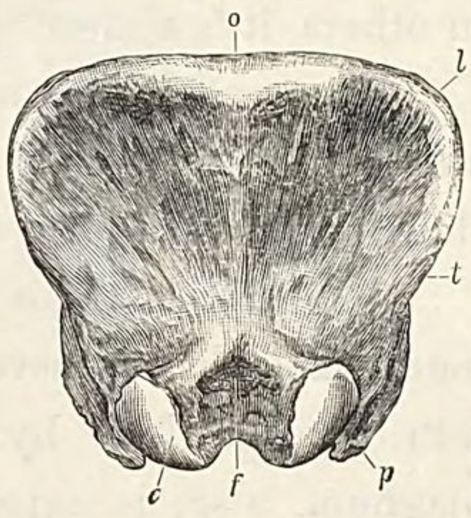

Fig. 16.

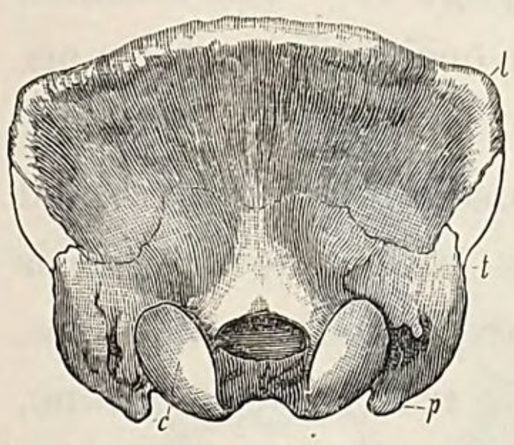

Fig. 17.

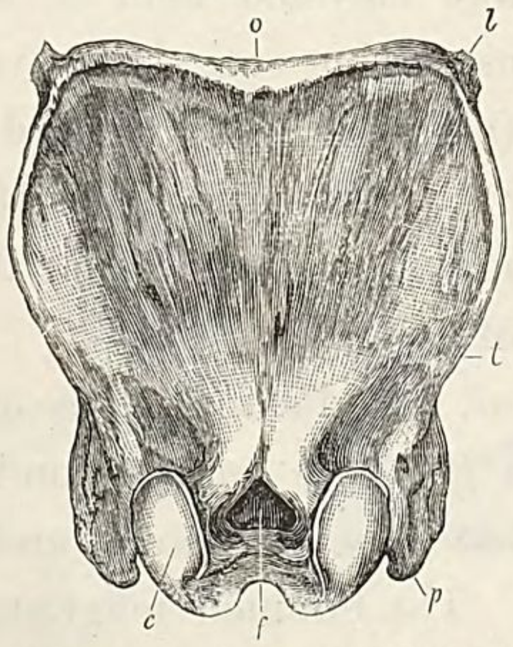

Fig. 18.

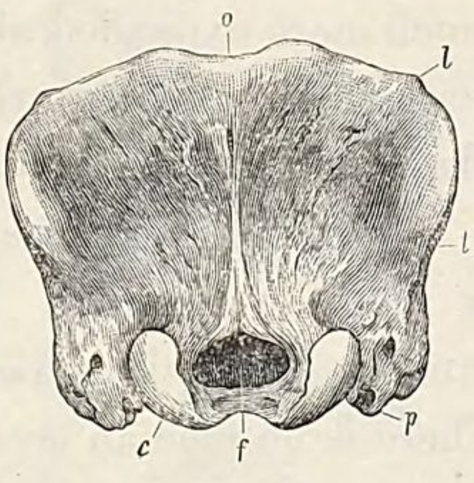

Figure 13.—Posterior surface of skull of *Dinoceras mirabile*, Marsh (No. 1036).
Figure 14.—Posterior surface of skull of *Dinoceras laticeps*, Marsh (No. 1039), male.
Figure 15.—Posterior surface of skull of *Dinoceras agreste*, Marsh (No. 1221).
Figure 16.—Posterior surface of skull of *Tinoceras affine*, Marsh (No. 1574)
Figure 17.—Posterior surface of skull of *Tinoceras ingens*, Marsh (No. 1041).
Figure 18.—Posterior surface of skull of *Tinoceras pugnax*, Marsh (No. 1044).
c. occipital condyle; *f.* foramen magnum; *l.* lateral crest; *o.* occipital crest; *p.* post-tympanic process; *t.* crest behind temporal fossa.

All the figures are one-eighth natural size.

In *Dinoceras mirabile* (number 1036), the occiput is remarkably rectangular in outline, as shown above in figure 13. Its general surface is concave, for the attachment of the powerful muscles and

ligaments which supported the head. The lofty occipital crest extends upward and backward, overhanging the occipital condyles, when the skull is in a horizontal position. The posterior margin of the large temporal fossa also extends well backward, forming the side of the occipital concavity, which is partially divided into two equal portions by a median vertical ridge. In some species, this ridge is very distinct, but, in others, it is almost entirely wanting.

The occipital condyles are large, and bounded externally in front and below by a deep groove. They project downward and backward, showing that the head was declined when in its natural position.

In *Dinoceras laticeps* (number 1039), the occiput is less elevated, and more expanded transversely, figure 14, page 19. Its concavity is divided into two portions by a distinct median vertical ridge. The foramen magnum, also, is expanded transversely, and is of moderate size. The occipital condyles are more elevated than in *Dinoceras mirabile*, a line joining their upper margins passing entirely above the foramen magnum.

In *Dinoceras agreste* (number 1221), a third type of occiput is seen, much more expanded above, as shown in figure 15, page 19. The foramen magnum is here subtriangular in outline, and the occipital condyles are placed similarly to those of *Dinoceras mirabile*.

In the genus *Tinoceras*, two distinct types of occiput are represented in the Yale Museum. In *Tinoceras ingens* (number 1041), the occiput is greatly elevated, somewhat concave above, and expanded at the sides. There is no median crest. The foramen magnum is triangular in outline, and comparatively small, with its upper border lower than the superior margins of the occipital condyles, as seen in figure 17, page 19.

In *Tinoceras pugnax* (number 1044), the occiput is less elevated, and more nearly quadrate in outline. The foramen magnum is large, and transversely expanded. The occipital condyles extend above its upper margin, as shown in figure 18, page 19. In other species of the *Dinocerata*, the occiput shows an equal variety of forms.

In *Dinoceras mirabile* (number 1036), there is a small, but distinct, par-occipital process of the ex-occipital, directed downward and outward.

In the type of *Uintatherium*, this process appears to be nearly obsolete. In front of this process is the suture uniting the ex-occipital directly with the squamosal, thus excluding the mastoid from the external surface of the skull, as in Rhinoceros. The tympanic portion of the periotic, also, does not reach the external surface.

FIG. 19.

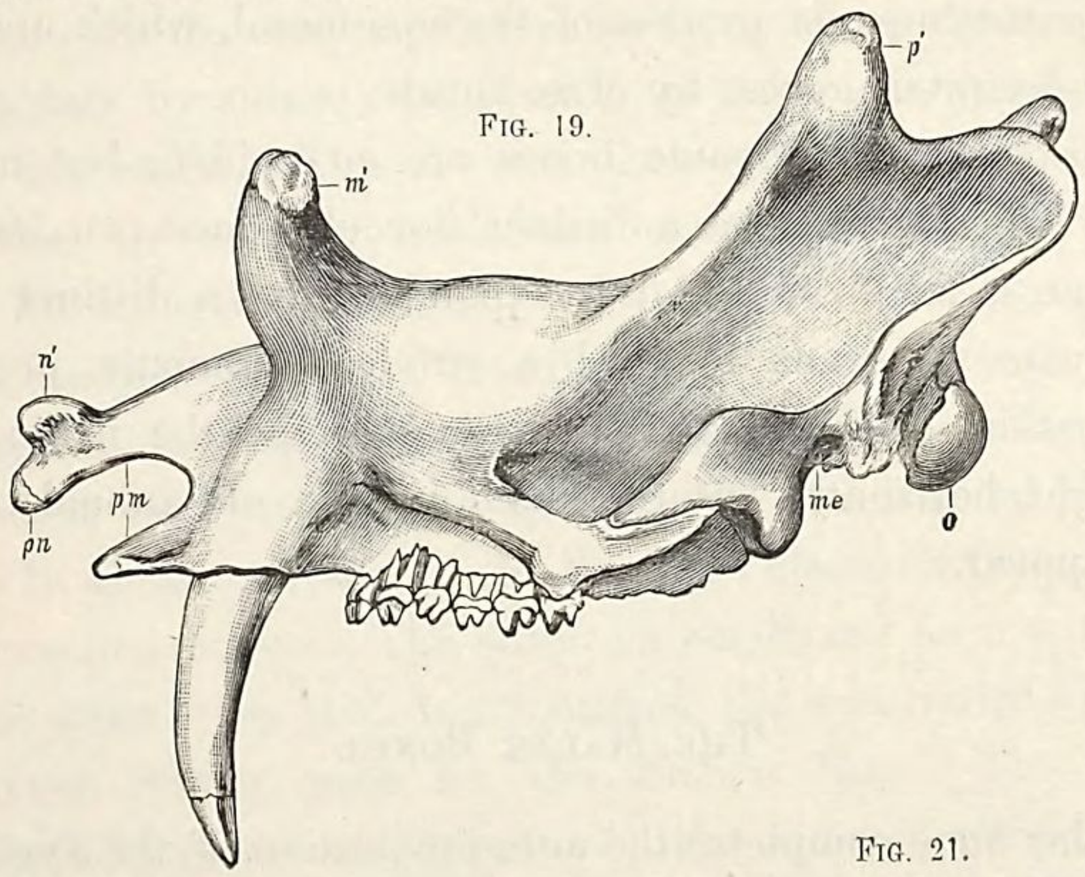

FIG. 20.

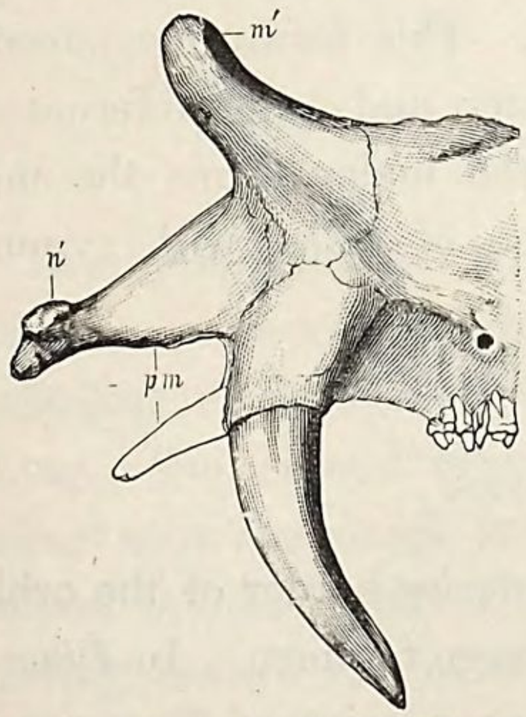

FIG. 21.

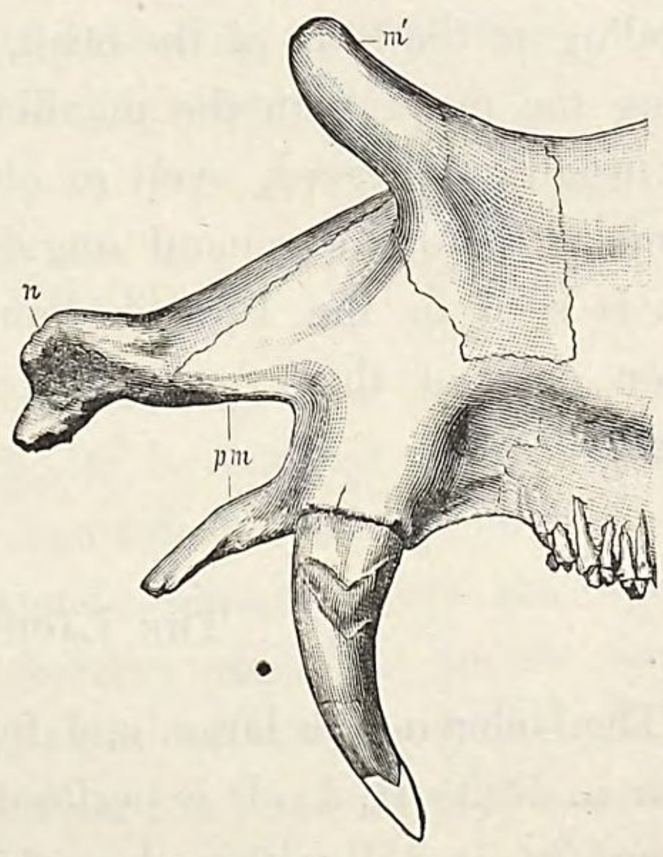

FIGURE 19.—Side view of skull of *Tinoceras pugnax*, Marsh (No. 1044).
FIGURE 20.—Anterior part of skull of *Tinoceras grande*, Marsh (No. 1040).
FIGURE 21.—Anterior part of skull of *Tinoceras annectens*, Marsh (No. 1043).
m'. maxillary protuberance; *me*. external auditory meatus; *n'*. nasal protuberance; *o*. occipital condyle; *p'*. parietal protuberance; *pm*. premaxillary bone; *pn*. prenasal ossicle.
All the figures are one-eighth natural size.

The Squamosal Bones.

The squamosal forms the lower portion of the temporal fossa, and sends down a massive post-glenoid process (Plate II, *s*), which bounds in front the external auditory meatus. The latter has for its posterior border the post-tympanic process of the squamosal, which unites directly with the par-occipital process by close suture.

The periotic and tympanic bones are co-ossified, but not with the squamosal. The periotic has a distinct floccular fossa on its inner side. The tympanic is small, and is not expanded into a distinct bulla.

The squamosal sends forward a strong zygomatic process, which resembles that in *Tapirus*. This process overlaps the malar, uniting to it by a straight, horizontal, suture, which, in very old animals, may nearly or quite disappear.

The Malar Bones.

The malar bone completes the anterior portion of the zygomatic arch, extending to the front of the orbit, as shown in Plate II, *ma*. The suture uniting the malar with the maxillary remains distinct till adult life, and may usually be traced, even in old animals. This forward extension of the malar bone is a general ungulate character, and quite different from what is seen in the Proboscidians, where the malar forms the middle portion only of the zygomatic arch. Union of malar with zygomatic process.

The Lachrymal Bones.

The lachrymal is large, and forms the anterior border of the orbit, as shown in Plate II, *l*. It is perforated by a large foramen. In *Dinoceras*, this opening is well within the orbit. In some species of *Tinoceras*, it is outside the orbit. The base of the lachrymal is excavated for the posterior opening of the large antorbital foramen.

The Maxillaries.

In all the *Dinocerata*, the maxillary bones form a large portion of the lateral surface of the skull. They contain all the teeth, except those of the lower jaw, and also expand into the large median pair of osseous elevations, or horn-cores. On the external lateral surface, the maxillaries unite above with the frontals by suture; below this, with the lachrymals, and further down with the malar. This is well shown in the figure of *Dinoceras mirabile*, Plate II, *m*. In front, the maxillaries unite with the premaxillaries by a nearly straight, and nearly vertical, suture. Above, they join the nasals, as already described.

The large canine tusk is entirely enclosed in the maxillary, and in the genus *Dinoceras* its root extends upward into the base of the maxillary horn-core. In all known *Dinocerata*, there is a diastema between the upper canine and the pre-molars. The latter are small, and form with the molars a continuous series. On their inner surface, the maxillaries send in strong palatine plates, which meet on the median line. The maxillary is perforated by a large antorbital foramen, the outlet of which is concealed, in the side view of the skull, by a ridge extending upward in front of the orbit. Its position is shown in figures 22–24, *c*, page 25.

The Premaxillaries.

The premaxillary bones are edentulous, and, even in young specimens, contain no teeth. These bones have three distinct branches, the largest of which extends well forward below the anterior nasal opening. The second branch also extends forward above this opening, forming with the nasal its superior border, as shown in the type of *Dinoceras mirabile*, Plate II, *pm*. The third branch is a horizontal plate extending inward to the median line, where it joins its fellow, and thus completes the anterior portion of the palate.

The anterior free portions of the premaxillaries are well separated on their palatal surface, but these bones meet somewhat in front of the anterior

palatal foramina. Near this point, the palatine plates are united by suture on the median line, and this suture is continued backward along the palate until it meets with the median suture between the maxillaries. The anterior palatine foramina are narrow fissures, rounded in front, and separating the lateral portions of the premaxillaries from the palatine plates, as in *Equus*. The latter plates unite posteriorly by suture with the adjoining maxillaries, as shown in Plate V, *pm*.

The premaxillaries vary much in form in the different genera and species of *Dinocerata*. Two of the principal forms in the genus *Dinoceras* are shown in figures 26 and 27, page 26, and two of the genus *Tinoceras*, in figures 28 and 29, on page 27.

The Palate.

In all the *Dinocerata*, the palate is very narrow, and much excavated, especially in front. The bony palate extends back as far as the last upper molar, and in some specimens beyond it. Each maxillary articulates with the corresponding premaxillary by a suture commencing on the palatal surface, in front of the large canine alveolus, and running just within the border of the alveolus to near the middle of its inner margin. At this point, the suture turns inward, across the end of the main branch of the premaxillary, and then obliquely backward, along the posterior end of its palatine plate. The median suture is continued backward, separating the maxillaries, to a point nearly opposite the middle of the penultimate molar, where the maxillaries join the palatines. The maxillo-palatine suture is at first transverse, extending across the palate nearly to the alveolar border of the maxillary, and is then continued backward near this border, and around behind the last molar, whence it turns outward, and ascends the side of the skull in the orbital region.

The palatal surface of each maxillary is deeply excavated in front between the canines, along the diastema, and as far back as the second or third premolar; but on the median line these bones meet in a sharp ridge, nearly on a level with the outer opposite border of the maxillaries.

FIG. 22.

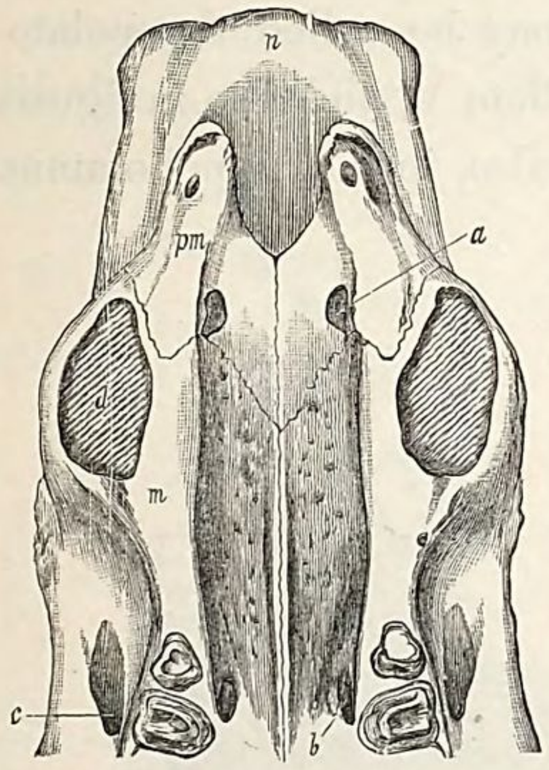

FIG. 23.

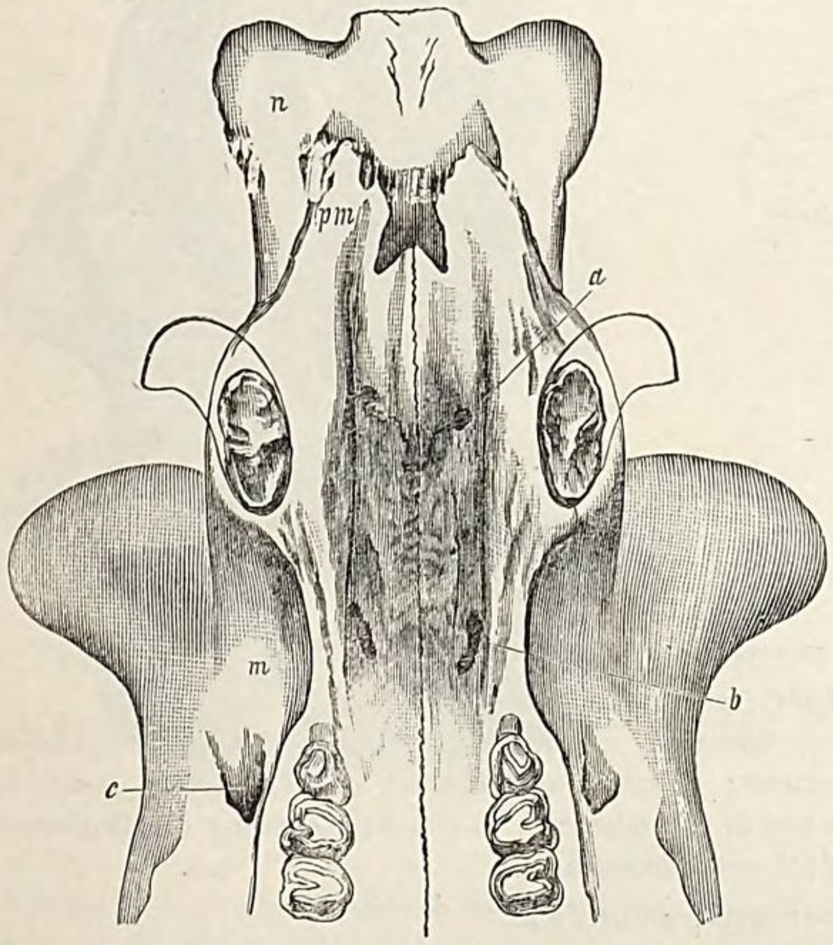

FIG. 25.

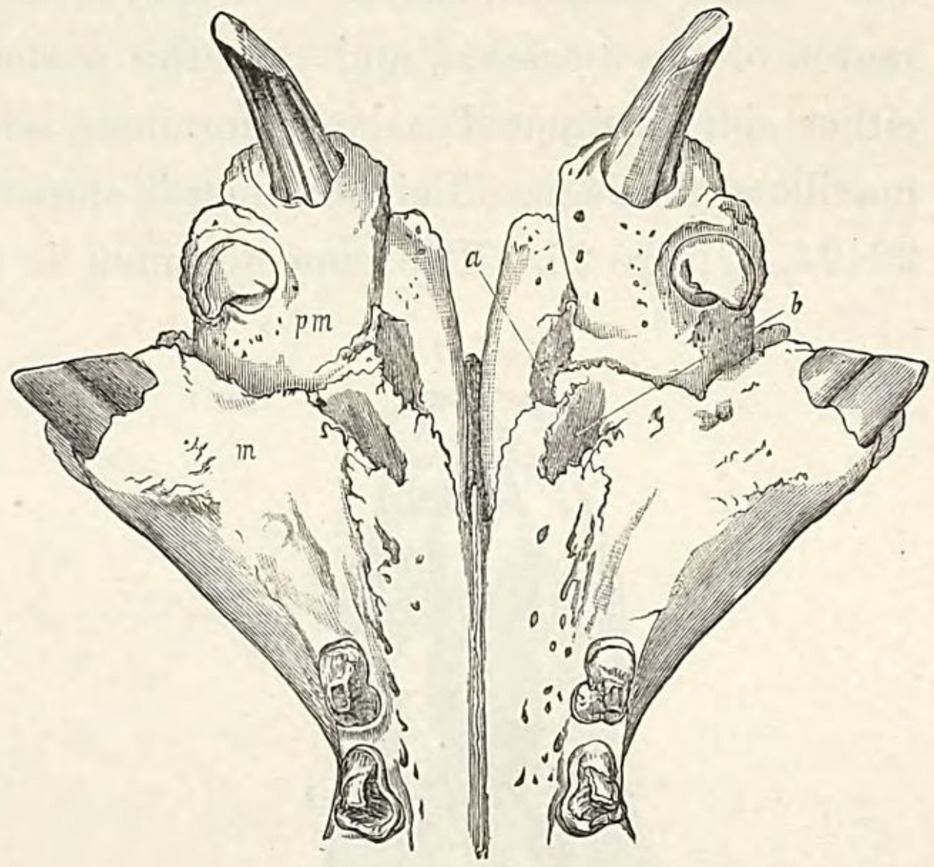

FIG. 24.

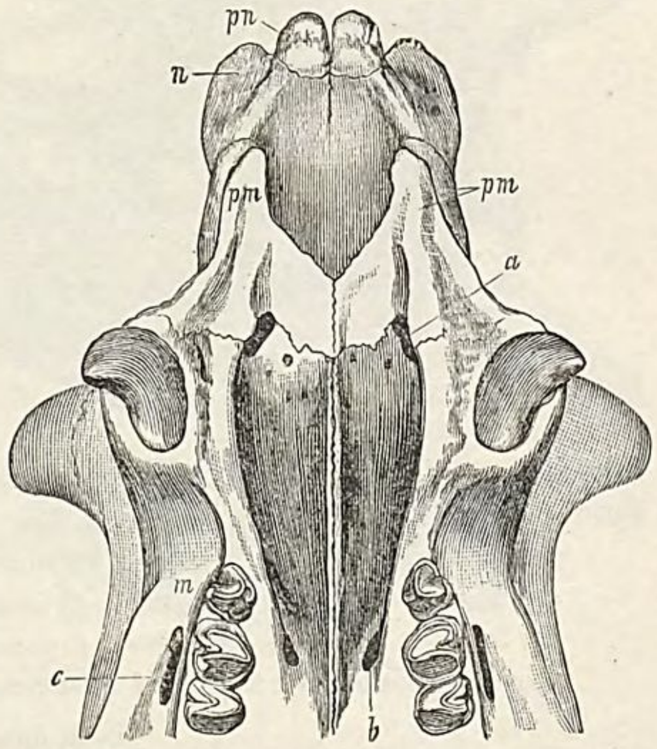

FIGURE 22.—Anterior part of palate of *Dinoceras laticeps*, Marsh (No. 1039).
FIGURE 23.—Anterior part of palate of *Tinoceras ingens*, Marsh (No. 1041).
FIGURE 24.—Anterior part of palate of *Tinoceras pugnax*, Marsh (No. 1044).
FIGURE 25.—Anterior part of palate of *Hippopotamus amphibius*, Linnæus.

a. anterior palatine foramen; *b*. palato-maxillary foramen; *c*. antorbital foramen; *d*. alveole of canine; *m*. maxillary bones; *n*. nasal bones; *pm*. premaxillary bones; *pn*. prenasal ossicles.

All the figures are one-fifth natural size.

The bony palate is thus deeply excavated on each side in the region of the diastema, and near the posterior part of each excavation on either side is situated a large foramen, which may be called the palato-maxillary foramen. This foramen is shown in Plate V, and also in figures 22–24, *b*, page 25. The same foramen is seen, also, in the hippopotamus.

FIG. 27.

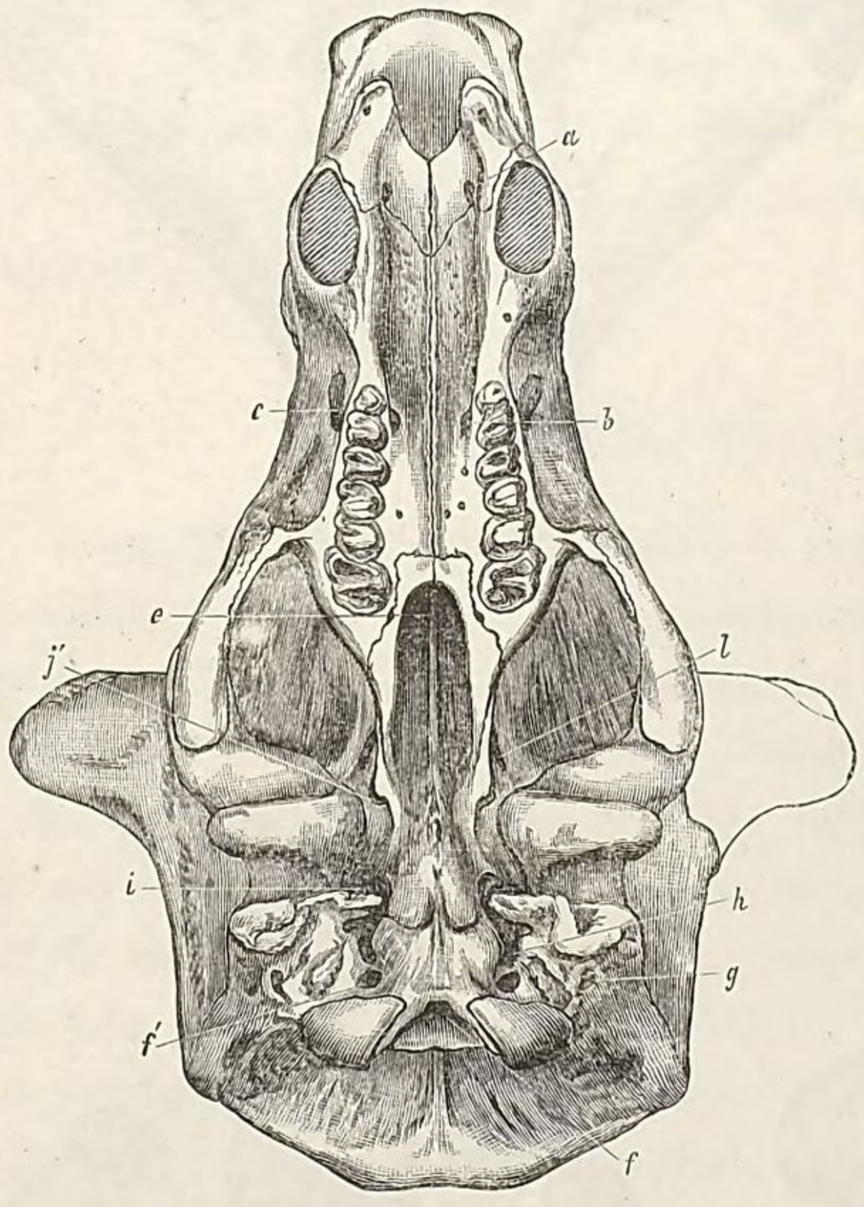

FIG. 26.

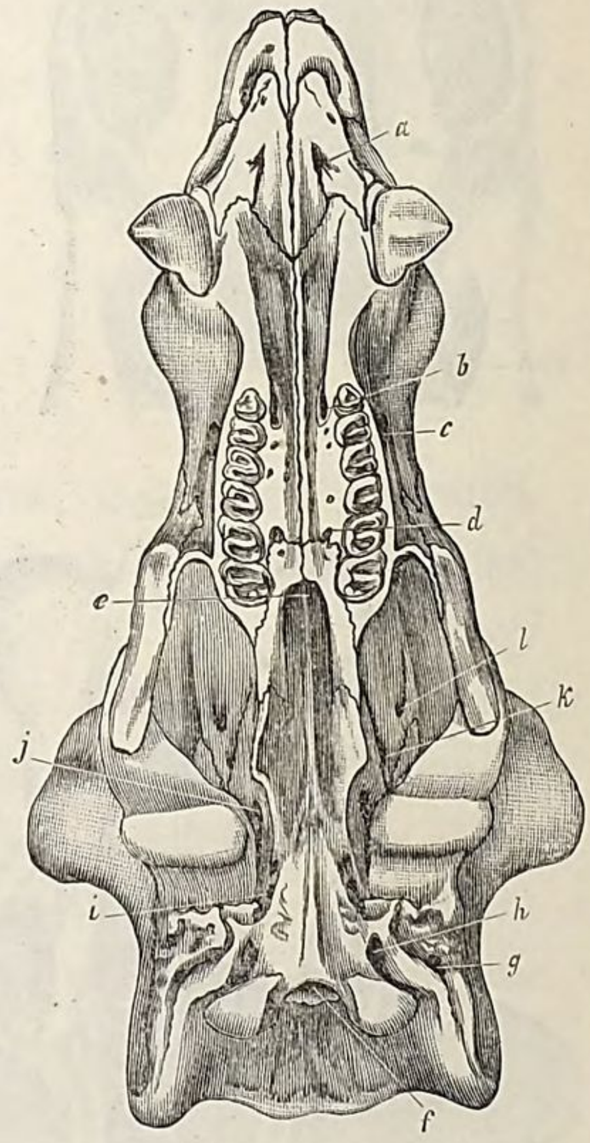

FIGURE 26.—Skull of *Dinoceras mirabile*, Marsh (No. 1036); seen from below.

FIGURE 27.—Skull of *Dinoceras laticeps*, Marsh (No. 1039); same view.

a. anterior palatine foramen; *b*. palato-maxillary foramen; *c*. antorbital foramen; *d*. posterior palatine foramen; *e*. posterior nares; *f*. foramen magnum; *f'*. occipital foramen; *g*. stylomastoid foramen; *h*. foramen lacerum posterius; *i*. vascular foramen in basisphenoid; *j*. posterior opening of alisphenoid canal; *k*. anterior opening of alisphenoid canal; *l*. optic foramen.

Both figures are one-eighth natural size.

The palatine surface of the maxillary bone is perforated with small foramina, along the line of the enclosed canal, as in the hippopotamus, evidently for the transmission of blood-vessels and nerves to the gums and surface of the palate.

The maxillary bones contain the sockets of all the upper teeth. The socket for the canine is a large and deep cavity, elongate-oval in section, and extending upward and backward to the posterior part of the base of the large maxillary protuberance. The outer surface of the maxillary

FIG. 28.

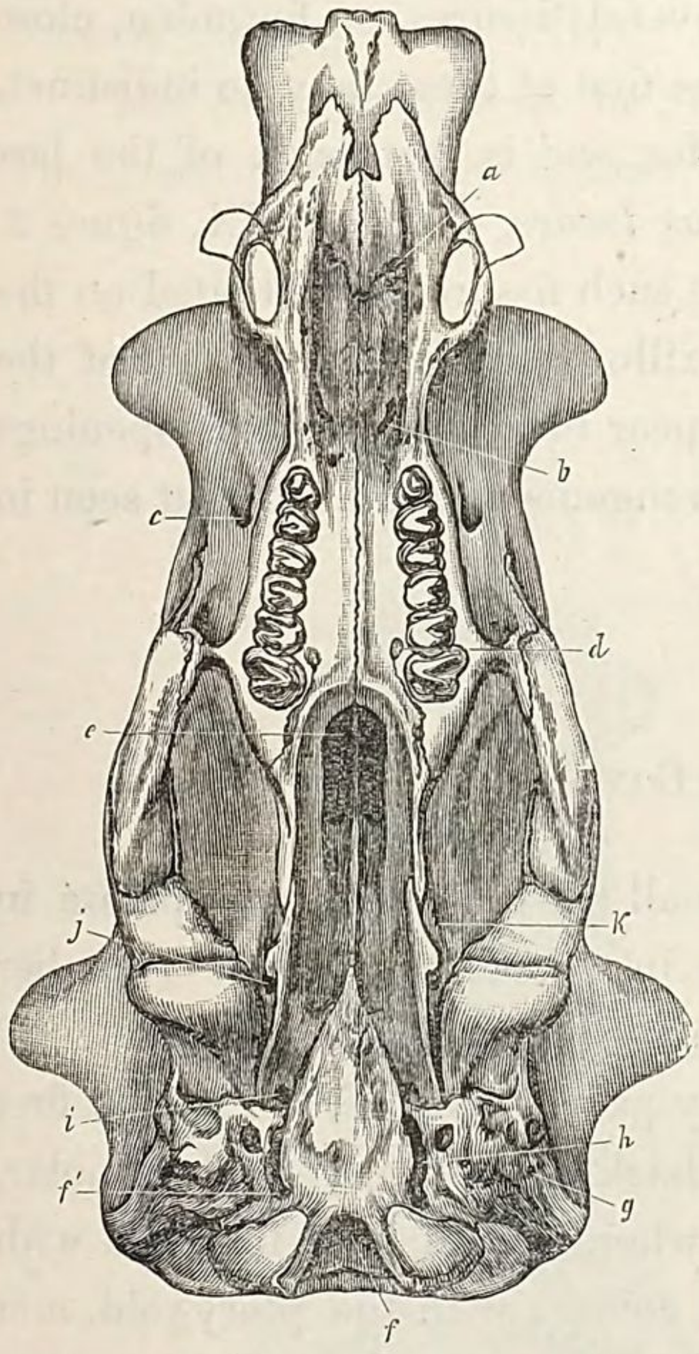

FIG. 29.

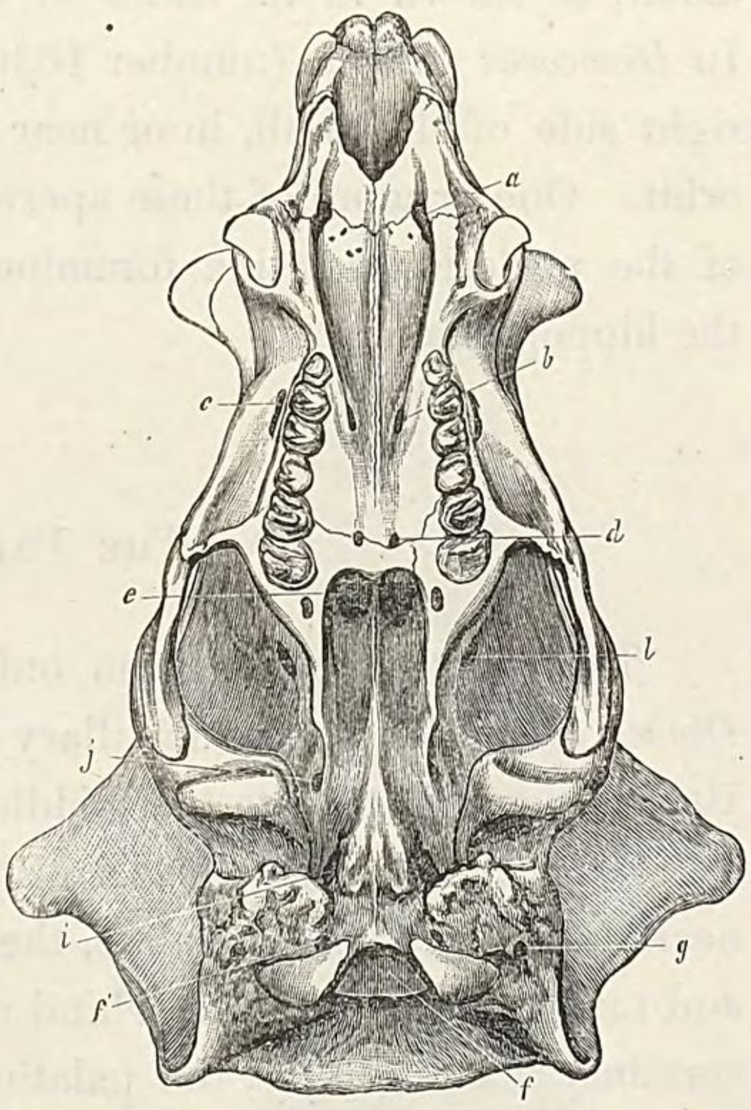

FIGURE 28.—Skull of *Tinoceras ingens*, Marsh; seen from below.

FIGURE 29.—Skull of *Tinoceras pugnax*, Marsh; same view.

a. anterior palatine foramen; *b*. palato-maxillary foramen; *c*. antorbital foramen; *d*. posterior palatine foramen; *e*. posterior nares; *f*. foramen magnum; *f'*. occipital foramen; *g*. stylo-mastoid foramen; *h*. foramen lacerum; *i*. vascular foramen in basisphenoid; *j* posterior opening of alisphenoid canal; *k*. anterior opening of alisphenoid canal; *l*. optic foramen.

Both figures are one-eighth natural size.

bone is swollen by this socket, so as to present, in the males at least, a prominent rounded ridge on the side of the face. The alveoli for the premolar and molar series of teeth are similar to each other, each presenting three pits for the reception of roots, viz: an inner large pit, and two outer small ones. Over these, the bone is thin, as is usual on the buccal surface of the maxillary.

Behind and above the posterior molar teeth, in the orbital region of the skull, the maxillary bone presents several fissures, or foramina, close to, or in, the suture with the palatine. The first of these may be indistinct, or of different shape on the opposite sides, and is just back of the last molar, as shown in the skull of *Dinoceras lucare*, on Plate IX, figure 2. In *Dinoceras mirabile* (number 1036), three such fissures are situated on the right side of the skull, in or near the maxillo-palatine suture, back of the orbit. One or more of these apertures appear to be the posterior openings of the posterior palatine foramina, an arrangement similar to that seen in the hippopotamus.

The Palatine Bones.

The palatine bones form only a small part of the bony palate in *Dinoceras*. The palato-maxillary suture in *Dinoceras mirabile* (number 1036) is nearly opposite the middle of the second molar, and about 20^{mm} in front of the posterior border of the bony palate, (Plate V). It is at first nearly transverse to the palate, then runs backward around the last molar, and turns upward into the orbital region, where it cannot be followed with certainty. Posteriorly, the palatine is in contact with the pterygoid, and the pterygoid plate of the alisphenoid. On the median line of the palate, the suture between the opposite palatines is obliterated.

The palatines continue the lateral walls of the posterior nasal cavities considerably behind the last molar, and these walls are still further extended by the pterygoid bones.

The Pterygoid Bones.

The pterygoid bones in *Dinoceras mirabile* (number 1036), are applied to the inner surface of the palatines, and to the pterygoid plates of the alisphenoid (Plate V, *pt*). They appear to unite on the median line in the roof of the posterior nares, but the suture is not distinct. The suture with the palatine is oblique, and that with the alisphenoid can be traced upward beneath the zygomatic arch.

The lower margin of the pterygoid is thickened, and nearly straight. The posterior margin is thinner, and moderately curved.

FIG. 30.

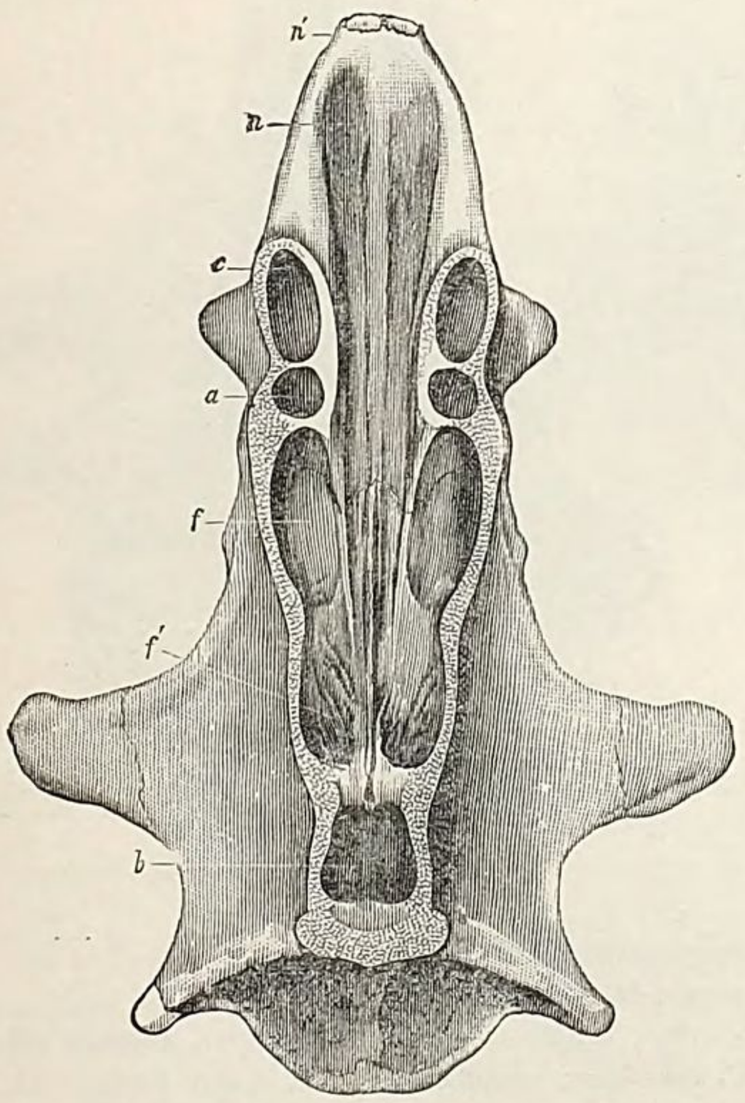

FIG. 31.

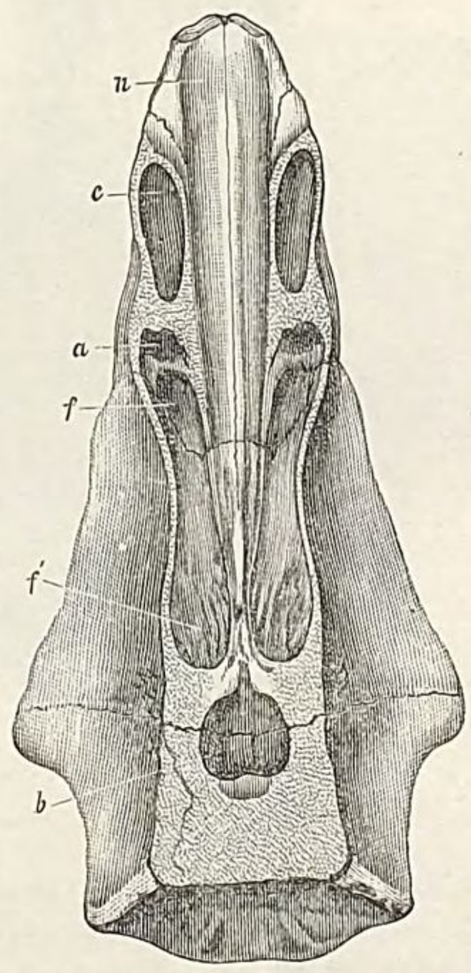

FIGURE 30.—Horizontal section of skull of *Tinoceras crassifrons*, Marsh (No. 1236).

FIGURE 31.—Horizontal section of skull of *Dinoceras distans*, Marsh (No. 1601).

a cavity behind base of canine tooth; *b*. brain-cavity; *c*. alveole of canine tooth; *f*. anterior olfactory chamber; *f'*. posterior olfactory chamber; *m'*. maxillary protuberance; *n*. nasal bones; *n'*. nasal protuberance; *p'*. parietal protuberances.

Both figures are one-eighth natural size.

In the skull of *Tinoceras ingens* (number 1041), the palate is only slightly excavated in its anterior part, and the palato-maxillary foramina are brought forward in front of the entire series of molar teeth, instead of being situated nearly opposite the second premolar. The palate between the whole series of molar teeth is nearly flat. The foramen in the maxillo-palatine suture behind the last molar is large and conspicuous, especially on the left side. These foramina are shown in figure 28, page 27.

FIG. 32.

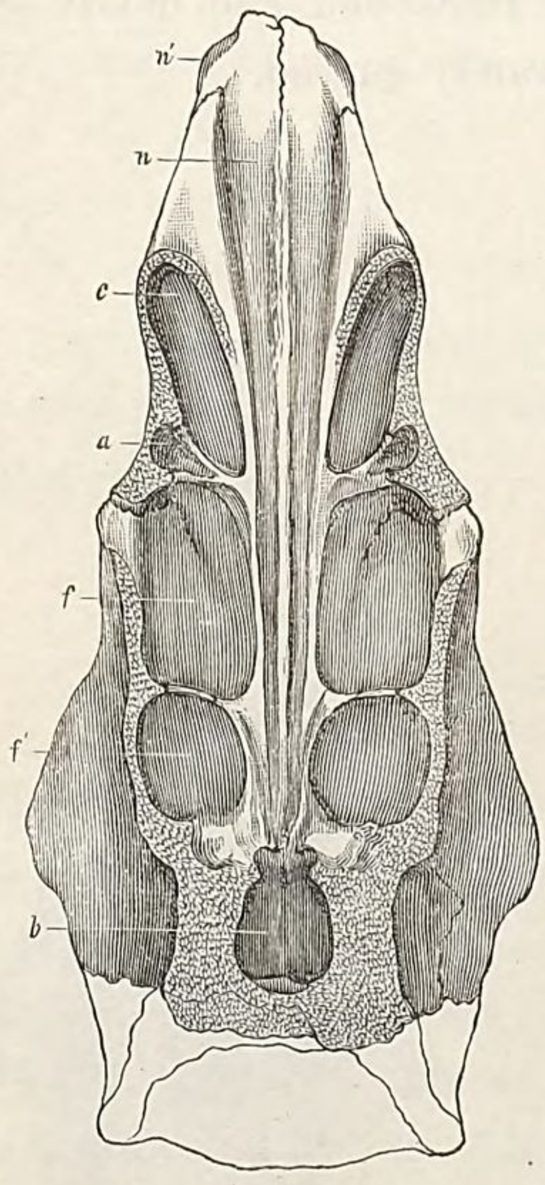

FIG. 33.

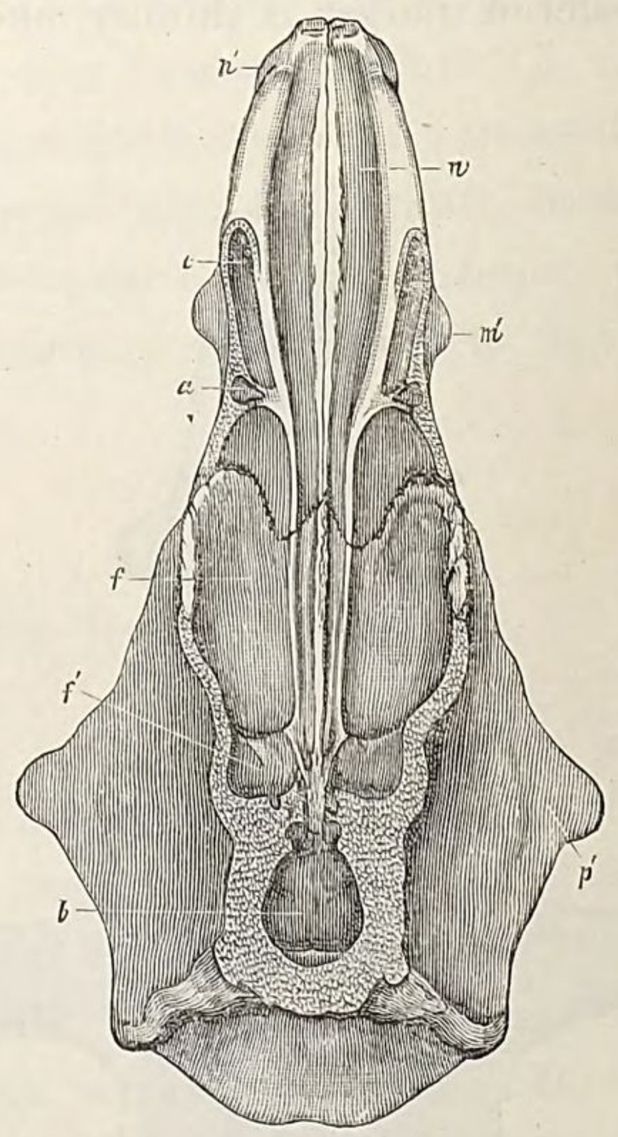

FIGURE 32.—Horizontal section of skull of *Tinoceras hians*, Marsh (No. 1499).

FIGURE 33.—Horizontal section of skull of *Dinoceras laticeps*, Marsh (No. 1202), female.

a. cavity behind base of canine tooth; *b*. brain-cavity; *c*. alveole of canine tooth; *f*. anterior olfactory chamber; *f'*. posterior olfactory chamber; *m'*. maxillary protuberance; *n*. nasal bones; *n'*. nasal protuberances; *p'*. parietal protuberances.

Both figures are one-eighth natural size.

In the type of *Tinoceras grande* (number 1040), the maxillo-palatine foramen is behind the beginning of the molar series, and the excavation of the palatal region also extends behind the first premolars.

In the type of *Dinoceras*, the palatine fossa of the posterior nares is roofed over, so that the passage from the palate into the large nasal cavities above leads forward and upward, as shown indistinctly in figure 26, *e*, page 26. In *Tinoceras ingens* and *Tinoceras pugnax*, the roof of this fossa is excavated in front by a pair of oval apertures, and through these the posterior nares open directly upward, as represented in figures 28 and 29, *e*, on page 27. The existing perissodactyls, the horse, the tapir, and rhinoceros, have the same type of palate. In *Uintatherium*, the structure of this portion of the skull has not yet been determined with certainty.

FIG. 34.

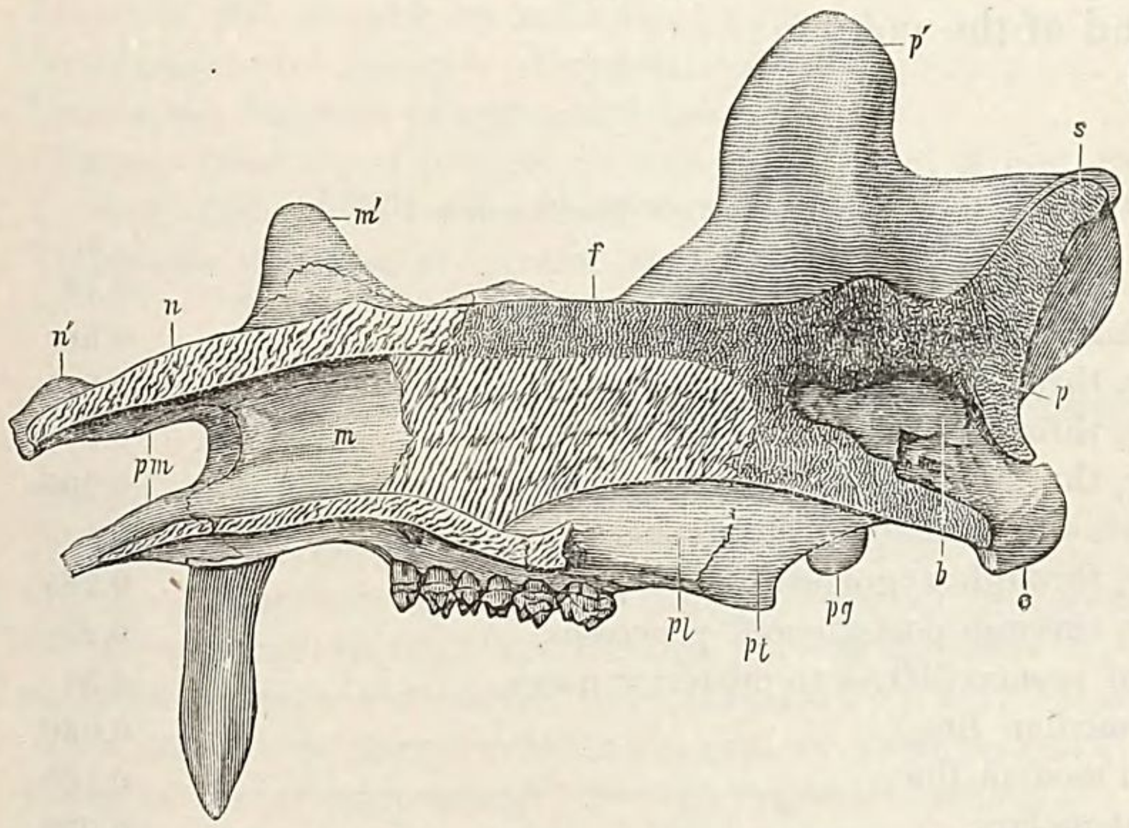

FIG. 35.

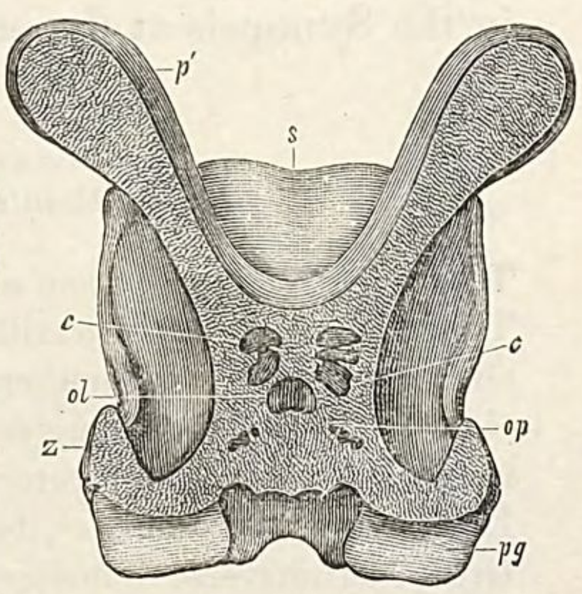

FIGURE 34.—Vertical median longitudinal section of skull of *Dinoceras mirabile*, Marsh.

FIGURE 35.—Vertical transverse section of skull of *Dinoceras mirabile*.

b. brain-cavity; *c*. cavities in cranial walls; *f*. frontal bone; *m*. maxillary bone; *m'*. maxillary protuberance; *n*. nasal bone; *n'*. nasal protuberance; *o*. occipital condyle; *ol*. olfactory lobes of brain; *op*. optic foramen; *p*. parietal bone; *p'*. parietal protuberance; *pg*. post-glenoid process; *pl*. palatine bone; *pm*. premaxillary bone; *pt*. pterygoid bone; *s*. supra-occipital crest; *z*. zygomatic process of squamosal.

Both figures are one-eighth natural size.

These palatine characters of the *Dinocerata* are important, but unfortunately they can be made out only in skulls unusually well preserved. The value of these characters in classification will be discussed in a subsequent chapter

The Vomers.

The vomers in the *Dinocerata* do not appear upon the surface of the palate. They are narrow bones, closely united, and deeply concave upon their upper surface. They are wedged in between the palatine plates of the maxillaries, and in old animals are closely united with them.

The groove formed by the upper concave surfaces of the vomers is filled by the turbinal bones, which are well developed.

The following are the principal dimensions of three of the skulls described in the present chapter. Measurements of others will be found in the Synopsis at the end of the volume:

Measurements of Skull. (*Dinoceras mirabile*, No. 1036.)

	m.
Total length of skull from nasals to occipital crest,	0.76
Total length, from premaxillaries to occipital condyles,	0.66
Greatest transverse diameter, through parietal protuberances,	0.385
Greatest transverse diameter, through occipital crest,	0.26
Greatest transverse diameter, through maxillary protuberances,	0.205
Least transverse diameter, behind maxillary protuberances,	0.155
Greatest transverse diameter, through zygomatic arches,	0.285
Greatest transverse diameter, through post-glenoid processes,	0.25
Length of palate, from end of premaxillaries to posterior nares,	0.35
Length of palatine bone, on median line,	0.030
Length of maxillary bone, on median line,	0.185
Width of palate, between last molars,	0.050
Width of palate, between first molars,	0.065
Width of palate, between first premolars,	0.050
Width of palate, across diastema,	0.07
Width of palate, between canines,	0.105
Antero-posterior diameter of zygomatic fossa,	0.165
Transverse diameter of zygomatic fossa,	0.08
Distance from top of parietal protuberance to end of post-glenoid process,	0.37
Distance from top of maxillary protuberance to end of canine,	0.415
Vertical diameter of foramen magnum,	0.051
Transverse diameter of foramen magnum,	0.055

Measurements of Skull. (*Tinoceras ingens*, No. 1041.)

	m.
Total length of skull from nasals to occipital crest,	0.87
Total length, from premaxillaries to occipital condyles,	0.815
Greatest transverse diameter, through parietal protuberances,	0.47
Greatest transverse diameter, through parietal angles of crest,	0.33
Greatest transverse diameter, through maxillary protuberances,	0.35
Least transverse diameter, behind maxillary protuberances,	0.21
Greatest transverse diameter, through zygomatic arches,	0.37
Greatest transverse diameter, through post-glenoid processes,	0.30
Length of palate, from end of premaxillaries to posterior nares,	0.40
Width of palate, between last molars,	0.064
Width of palate, between first molars,	0.065
Width of palate, between first premolars,	0.056
Width of palate, across diastema,	0.09
Width of palate, between canines,	0.10
Antero-posterior diameter of zygomatic fossa,	0.19
Transverse diameter of zygomatic fossa,	0.08
Distance from top of parietal protuberance to end of post-glenoid process,	0.52
Vertical diameter of foramen magnum,	0.075
Transverse diameter of foramen magnum,	0.045

Measurements of Skull. (*Tinoceras pugnax*, No. 1044.)

	m.
Total length of skull from nasals to occipital crest,	0.77
Total length, from premaxillaries to occipital condyles,	0.665
Greatest transverse diameter, through parietal protuberances,	0.425
Greatest transverse diameter, through parietal angles of crest,	0.305
Greatest transverse diameter, through maxillary protuberances,	0.255
Least transverse diameter, behind maxillary protuberances,	0.19
Greatest transverse diameter, through zygomatic arches,	0.34
Greatest transverse diameter, through post-glenoid processes,	0.28
Length of palate, from end of premaxillaries to posterior nares,	0.33
Width of palate, between last molars,	0.084
Width of palate, between first molars,	0.084
Width of palate, between first premolars,	0.056
Width of palate, across diastema,	0.096
Width of palate, between canines,	0.132
Antero-posterior diameter of zygomatic fossa,	0.12
Transverse diameter of zygomatic fossa,	0.096
Distance from top of parietal protuberance to end of post-glenoid process,	0.37
Distance from top of maxillary protuberance to end of canine, about	0.48
Vertical diameter of foramen magnum,	0.050
Transverse diameter of foramen magnum,	0.075

CHAPTER II.

THE LOWER JAW.

(Plates VIII, XII, XIII, XIX, LV, and LVI.)

The lower jaw in *Dinoceras* is as remarkable as the skull. Its most peculiar feature in the male is a massive decurved process on each ramus, extending downward and outward. These long pendent processes were apparently to protect the upper canine tusks, which would otherwise be very liable to be broken (Plate XIII, figures 1 and 2, *p*). Indications of similar processes are seen in *Smilodon*, and in some other extinct carnivors with long canines.

In *Dinoceras mirabile* (number 1212), the process is concave from above downward on its external surface, and its lower extremity is somewhat thin, and narrowed longitudinally. In *Dinoceras laticeps* (Plate XIII, figures 1 and 2, *p*), this process is more massive, and more rounded below.

In the female, this process is much reduced in size, but is quite sufficient to protect the diminutive tusk, which overlaps it.

With the exception of these processes, the lower jaw is comparatively small and slender. The symphysis is completely ossified, and deeply excavated above.

Another remarkable feature in the lower jaw of the *Dinocerata* is the posterior direction of the condyles, hitherto unknown in Ungulates (Plate

VIII, figure 1, *cd*). The position of the condyles was evidently necessitated by the long upper tusks, since with the ordinary ungulate articulation the mouth could not have been fully opened. The low position of the condyle, but little above the line of the teeth, is also a noteworthy character. In some Marsupials and Insectivors, the condyle has the same position as in the *Dinocerata*, but in no other Ungulates, living or extinct, has this position been observed.

FIG. 36.

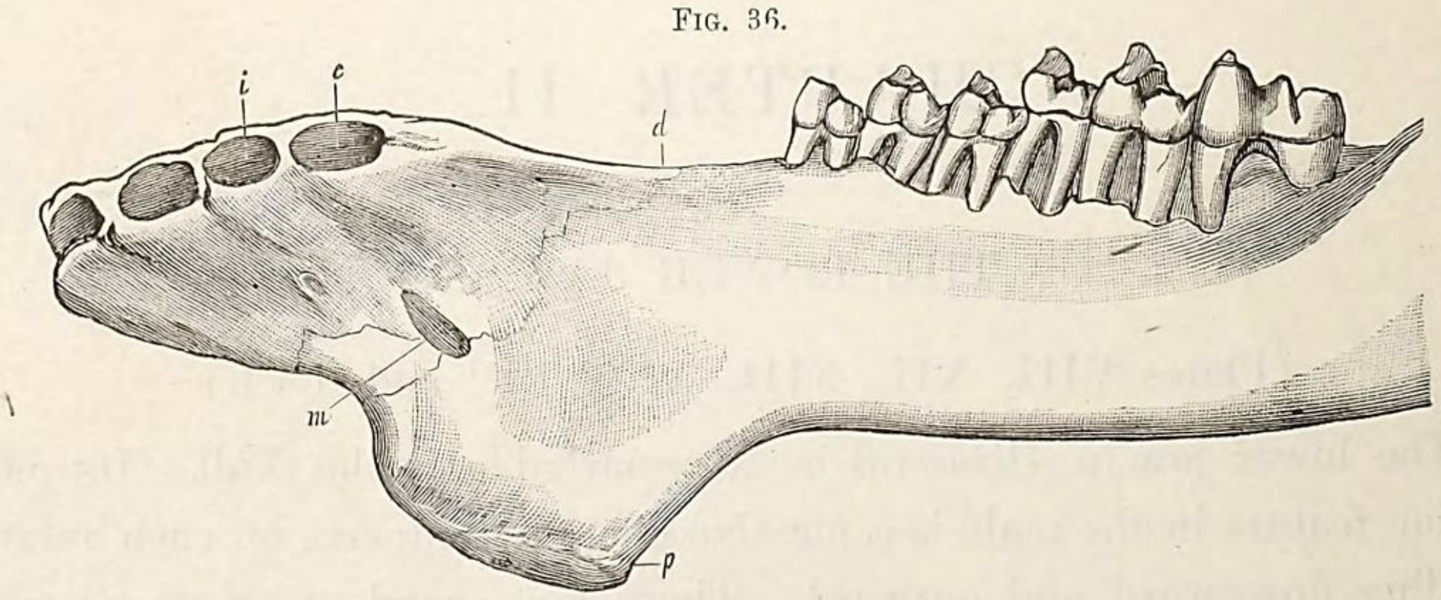

FIG. 37.

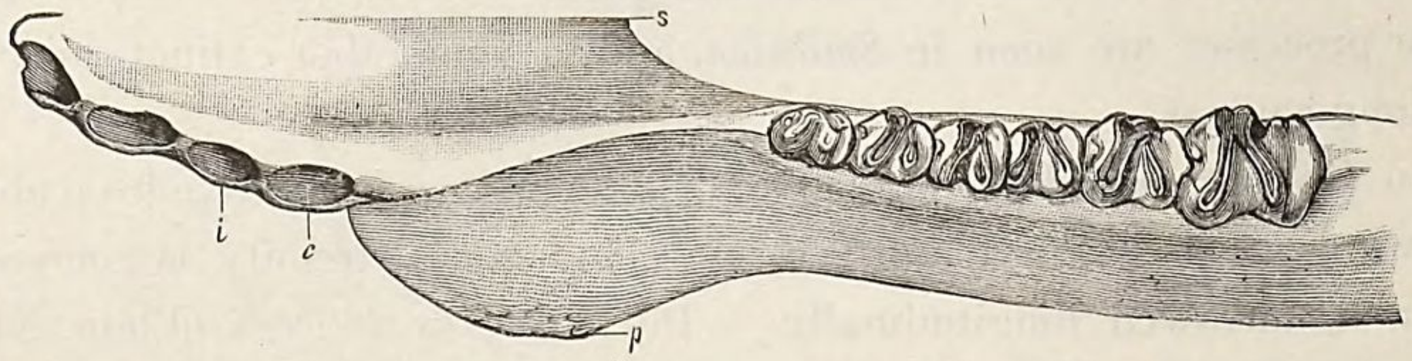

FIGURE 36.—Lower jaw of *Tinoceras annectens*, Marsh (No. 1043); seen from the left.
FIGURE 37.—The same jaw, seen from above.
c. alveole of lower canine; *d.* diastema; *i.* alveole of incisor; *m.* mental foramen; *p.* process for protection of canine tusk; *s.* symphysis.
Both figures are one-fourth natural size.

In *Dinoceras laticeps* (Plates XII and XIII), the entire lower jaw is more massive than in *Dinoceras mirabile*. The angle of the jaw is stouter, and distinctly inflected (Plate XIII, figure 2, *a*.)

The coronoid process of the lower jaw in *Dinoceras* is large and elevated, somewhat curved backward, and pointed above (Plate VIII, figure 1, *cr*). The angle of the jaw is rounded in outline, and projects downward somewhat below the main portion of the ramus. The dental foramen is large, and bounded above by a ridge, which extends upward and backward to the condyle. The mental foramen is of moderate size, and situated near the base of the anterior pendent process.

FIG. 38.

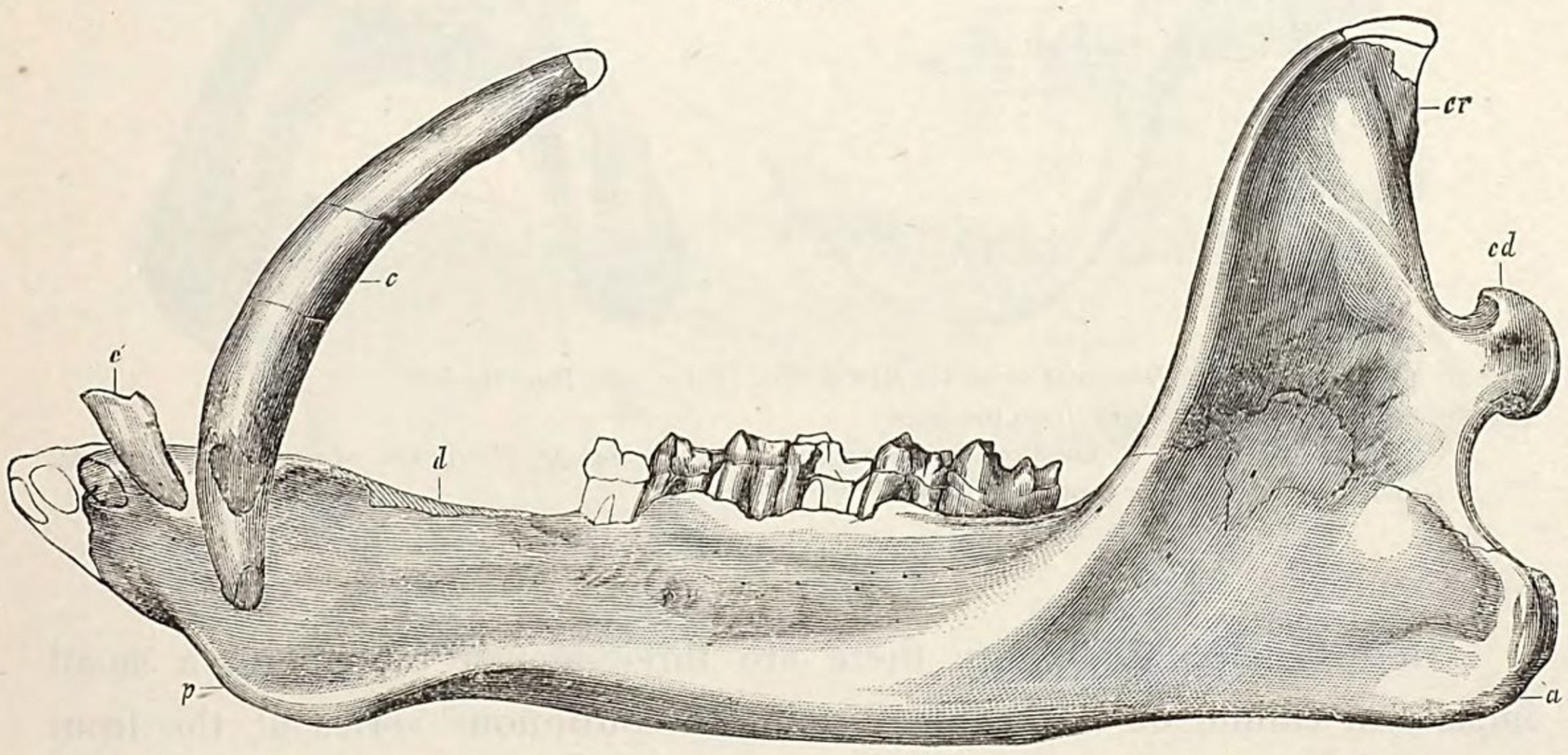

FIGURE 38.—Lower jaw with upper canine in position of *Tinoceras longiceps*, Marsh (No. 1256), female; seen from the left.

a. angle of jaw; *c*, upper canine tooth in its natural position; *c'*. lower canine tooth; *cd*. condyle; *cr*. coronoid process; *d*. diastema; *p*. process for protection of canine tusk.

One-fourth natural size.

In the genus *Tinoceras*, the same general characters of the lower jaws are seen. In the male, the pendent process is large and elongate, but less massive than in the genus *Dinoceras*, and its lower outline less regularly rounded (Plate XIX, figure 1, *cp*). This corresponds with the position of the large upper canine tusk, which it protects.

In the female of *Tinoceras*, the pendent process is much reduced, its size in all cases corresponding to the size of the canine tusk above. In the female of *Tinoceras longiceps* (figure 38, above), the lower jaw is remarkably long and slender, and the pendent process nearly obsolete.

That the same relation in size between the tusk and process below it holds equally in both the genera *Dinoceras* and *Tinoceras*, is conclusively shown by various specimens in the Yale Museum.

FIG. 39.

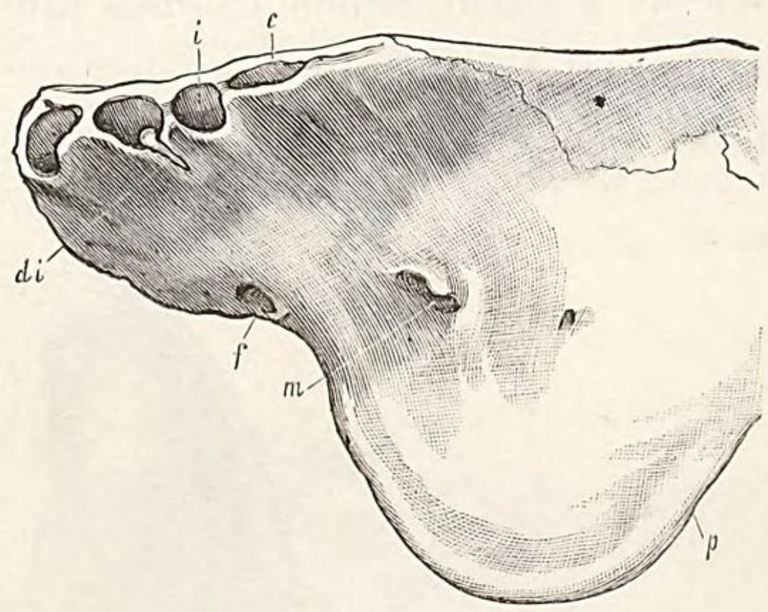

FIG. 40.

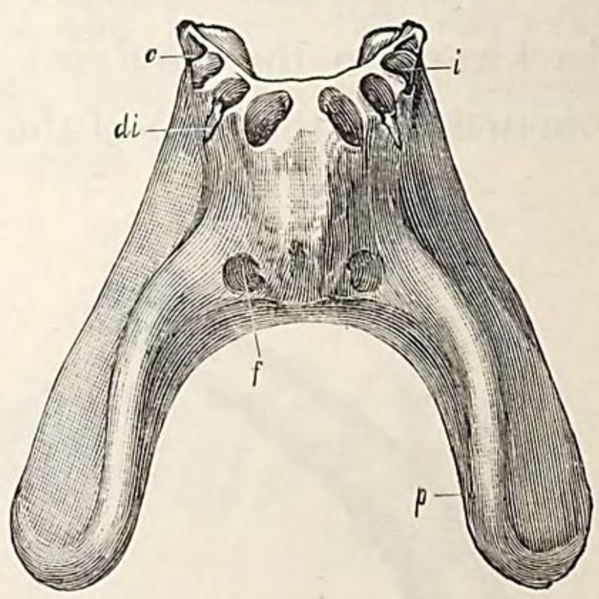

FIGURE 39.—Lower jaw of *Dinoceras mirabile*, Marsh (No. 1251); seen from the left.
FIGURE 40.—The same jaw; seen from the front.

c. alveole of canine; *f.* anterior foramen; *di.* deciduous incisor; *i.* alveole of incisor; *m.* mental foramen; *p.* process for protection of tusk.

Both figures are one-fourth natural size.

In the genus *Dinoceras*, there are three incisor teeth, and a small incisiform canine on each side forming a continuous series at the front extremity of the lower jaw. These are all of moderate size, and inclined well forward, as in the ruminant mammals. Behind this series, and immediately over the dependent process, is a long diastema (Plate VIII, figure 1, *d*). Further back, there are three premolars, and three molars, forming together a close series. This is the dentition, essentially, in the lower jaw of both *Dinoceras* and *Tinoceras*, and will be described more fully in the following chapter.

In a lower jaw found near the locality of the type of *Uintatherium robustum*, and here referred to that genus, there are four premolars instead of three. The first premolar, wanting in *Dinoceras* and *Tinoceras*, is of small size, and is placed just behind the lower canine. It is separated from the second premolar by a diastema, as shown in figures 41 and 42, page 39.

In the present state of knowledge of the *Dinocerata*, this first lower premolar may be regarded as a distinctive feature of the genus *Uintatherium*, the type specimen of which, unfortunately, is too fragmentary for a complete identification of its principal characters.

FIG. 41.

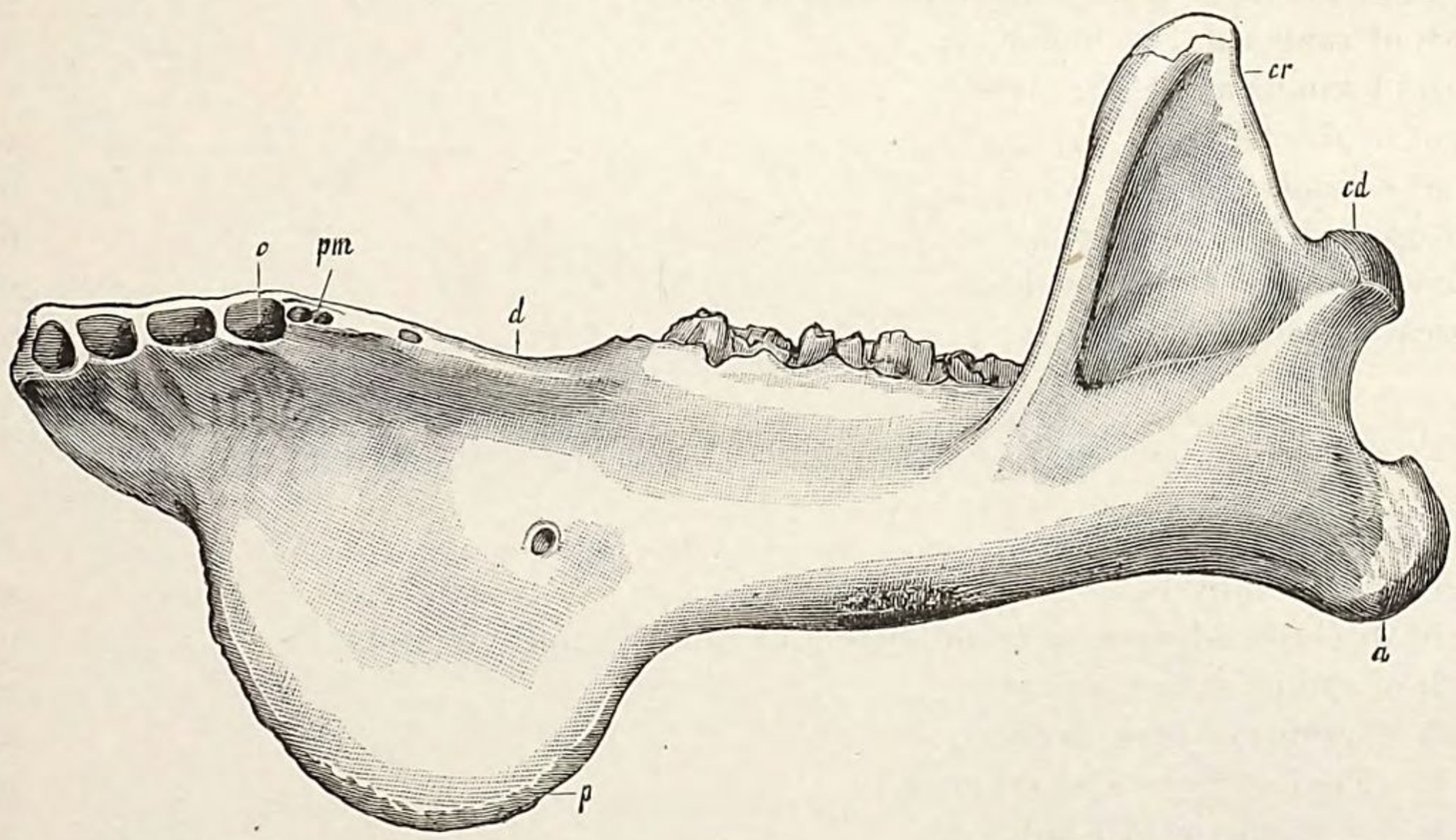

FIG. 42.

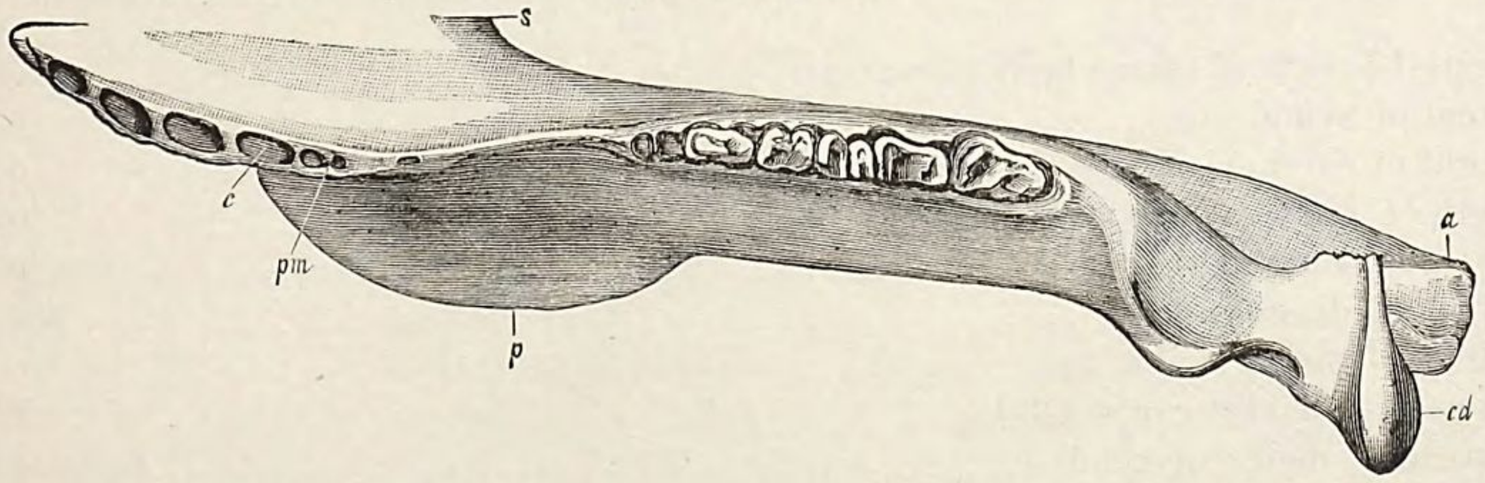

FIGURE 41.—Lower jaw of *Uintatherium segne*, Marsh (No. 1194); seen from the left.
FIGURE 42.—The same jaw; seen from above.

a. angle; *c*. alveole of canine; *cr*. coronoid process; *cd*. condyle; *d*. diastema; *p*. process for protection of tusk; *pm*. alveole of premolar

Both figures are one-fourth natural size.

The principal dimensions of three of the lower jaws described in this chapter are as follows:

Measurements of Lower Jaw. (*Dinoceras laticeps*, No. 1039.)

	m.
Greatest length of ramus,	0.54
Extent of symphysis,	0.18
Height of coronoid process from bottom of ramus,	0.235
Depth of ramus at last molar,	0.09
Depth of ramus at tusk process,	0.185
Extent of diastema,	0.10
Extent of molar series,	0.18
Greatest width across condyles,	0.295
Transverse diameter of condyle,	0.087
Vertical diameter of condyle,	0.048

Measurements of Lower Jaw. (*Uintatherium segne*, Marsh, No. 1194.)

	m.
Greatest length of ramus,	0.49
Extent of symphysis,	0.165
Height of coronoid process from bottom of ramus (approximate),	0.19
Depth of ramus at last molar,	0.075
Depth of ramus at tusk process,	0.17
Extent of molar series (functional),	0.145
Transverse diameter of condyle,	0.076
Vertical diameter of condyle,	0.040

Measurements of Lower Jaw. (*Tinoceras longiceps*, Marsh, No. 1256, female.)

	m.
Greatest length of ramus (approximate),	0.57
Extent of symphysis,	0.185
Height of coronoid process from bottom of ramus,	0.26
Depth of ramus at last molar,	0.084
Depth of ramus at tusk process,	0.10
Extent of diastema,	0.145
Extent of molar series,	0.175
Transverse diameter of condyle,	0.070
Vertical diameter of condyle,	0.045

CHAPTER III.

THE TEETH.

(Plates I–V, VII–X, XII–XIX, LV and LVI.)

The teeth of the *Dinocerata* constitute one of their most interesting features, differing widely in form and dentition from most of the other *Ungulata.*

In the genus *Dinoceras* the dentition is represented by the following formula:

$$\text{Incisors } \frac{0}{3},\ \text{canines } \frac{1}{1},\ \text{premolars } \frac{3}{3},\ \text{molars } \frac{3}{3} = 34.$$

So far as now known, the same formula applies equally well to the genus *Tinoceras.*

In *Uintatherium*, the dentition is apparently as follows:

$$\text{Incisors } \frac{0}{3},\ \text{canines } \frac{1}{1},\ \text{premolars } \frac{3}{4},\ \text{molars } \frac{3}{3} = 36.$$

The Incisors.

In none of the *Dinocerata* have any upper incisors been found, even in the youngest specimens. The premaxillary bones appear to be entirely edentulous, although in some specimens, especially in *Dinoceras laticeps* (number 1039), there are shallow depressions at irregular intervals that strongly suggest the probability of embryonic teeth in very young, or fœtal individuals.A fortunate discovery in the future may, perhaps, settle this point.

In the lower jaws of all the known *Dinocerata*, there are three well-developed incisors on each side. They are inserted, each by a single root, and are procumbent, all directed well forward. Their inner surfaces

FIG. 43.

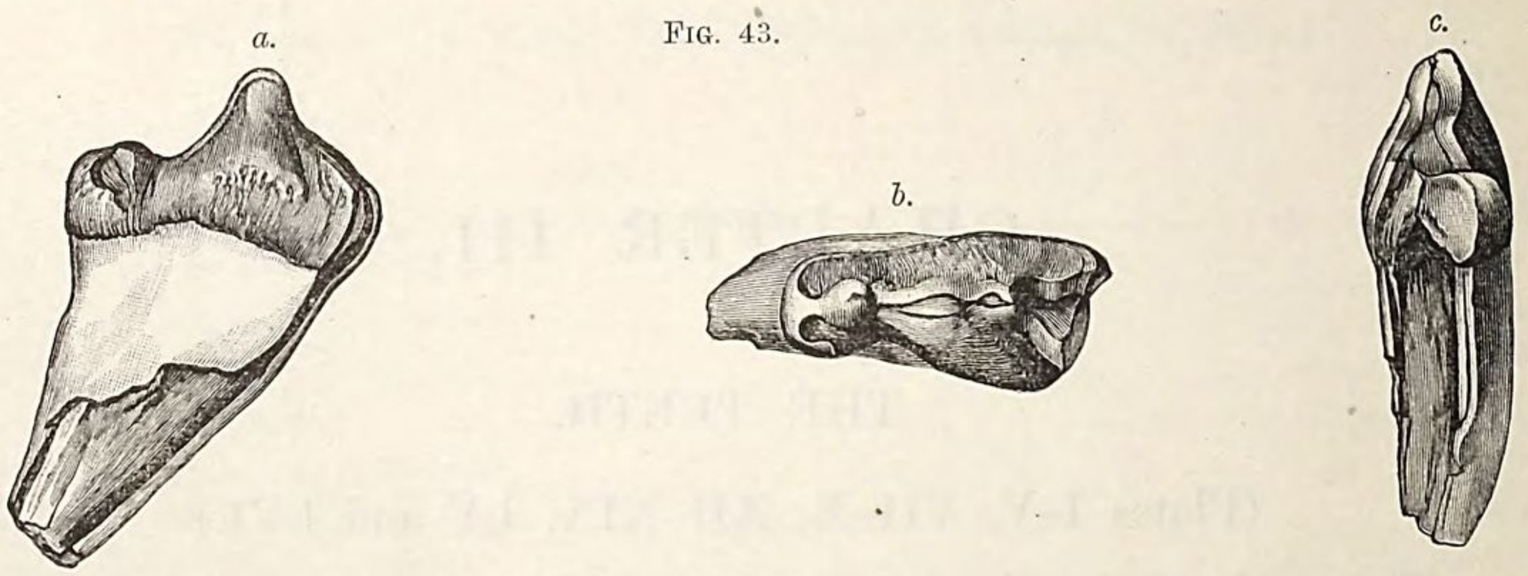

FIG. 44.

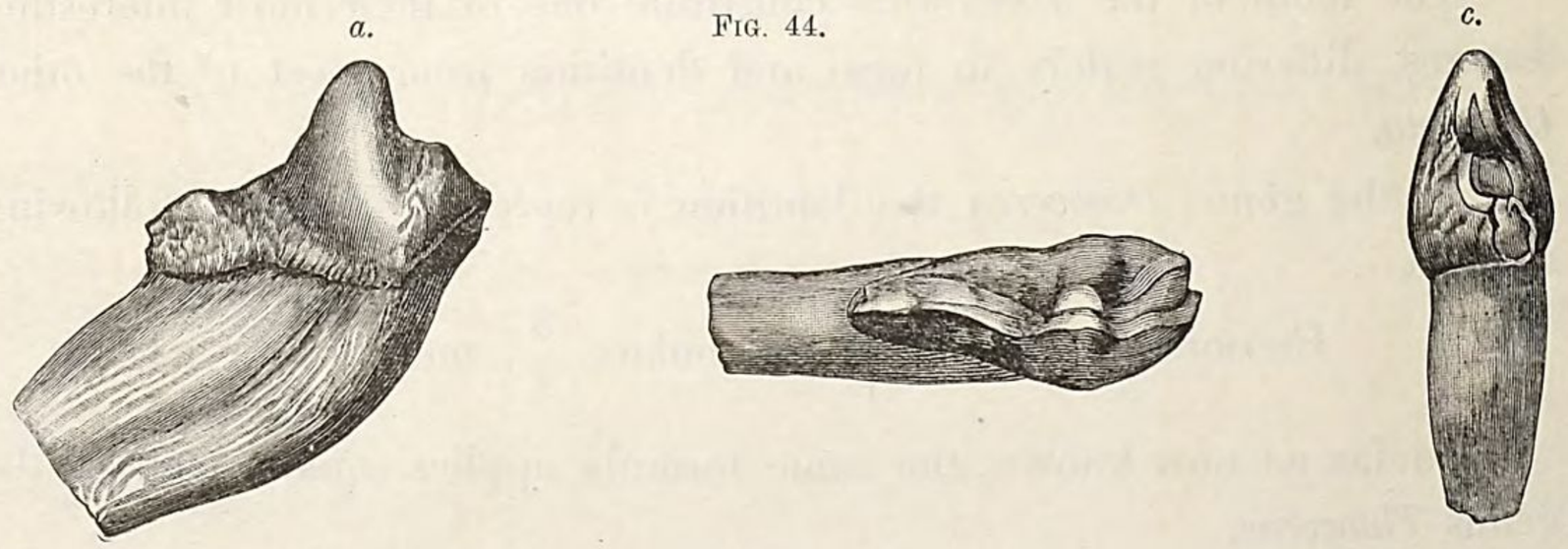

FIG. 45.

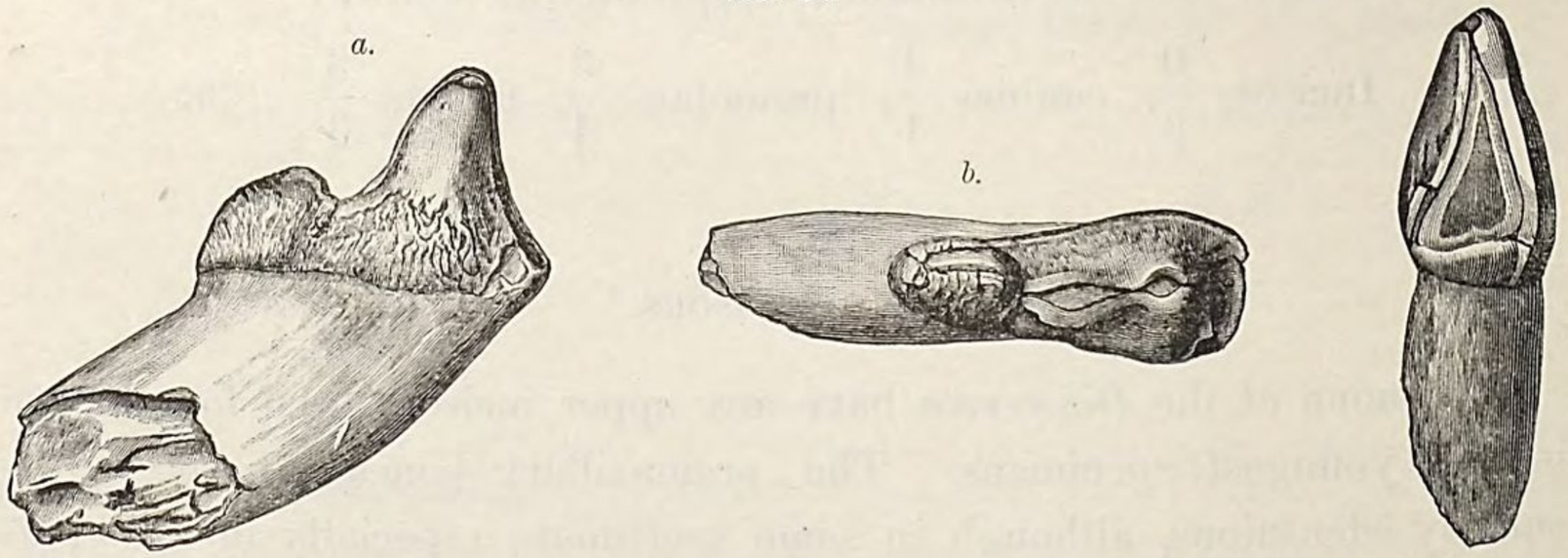

FIGURE 43.—Incisor of *Dinoceras mirabile*, Marsh (No. 1491).
FIGURE 44.—Incisor of *Dinoceras mirabile* (No. 1492).
FIGURE 45.—Incisor of *Dinoceras mirabile* (No. 1490).
a. side view; *b*. top view; *c*. antero-posterior view.

All the figures are of natural size.

continue the deep groove on the upper part of the lower jaw, above the symphysis. The position of the sockets for these teeth in *Dinoceras* is shown in Plates XII and XIII, and the form of the teeth, in Plate VIII, figure 1. The crowns of these incisors are covered with enamel, and the special features of both crown and root are shown in figures 43–45, page 42.

In the genus *Tinoceras*, the incisors are similar in form, but have a less inclined position, as indicated in Plate XIX, figure 1.

FIG 46. FIG. 47. FIG. 48.

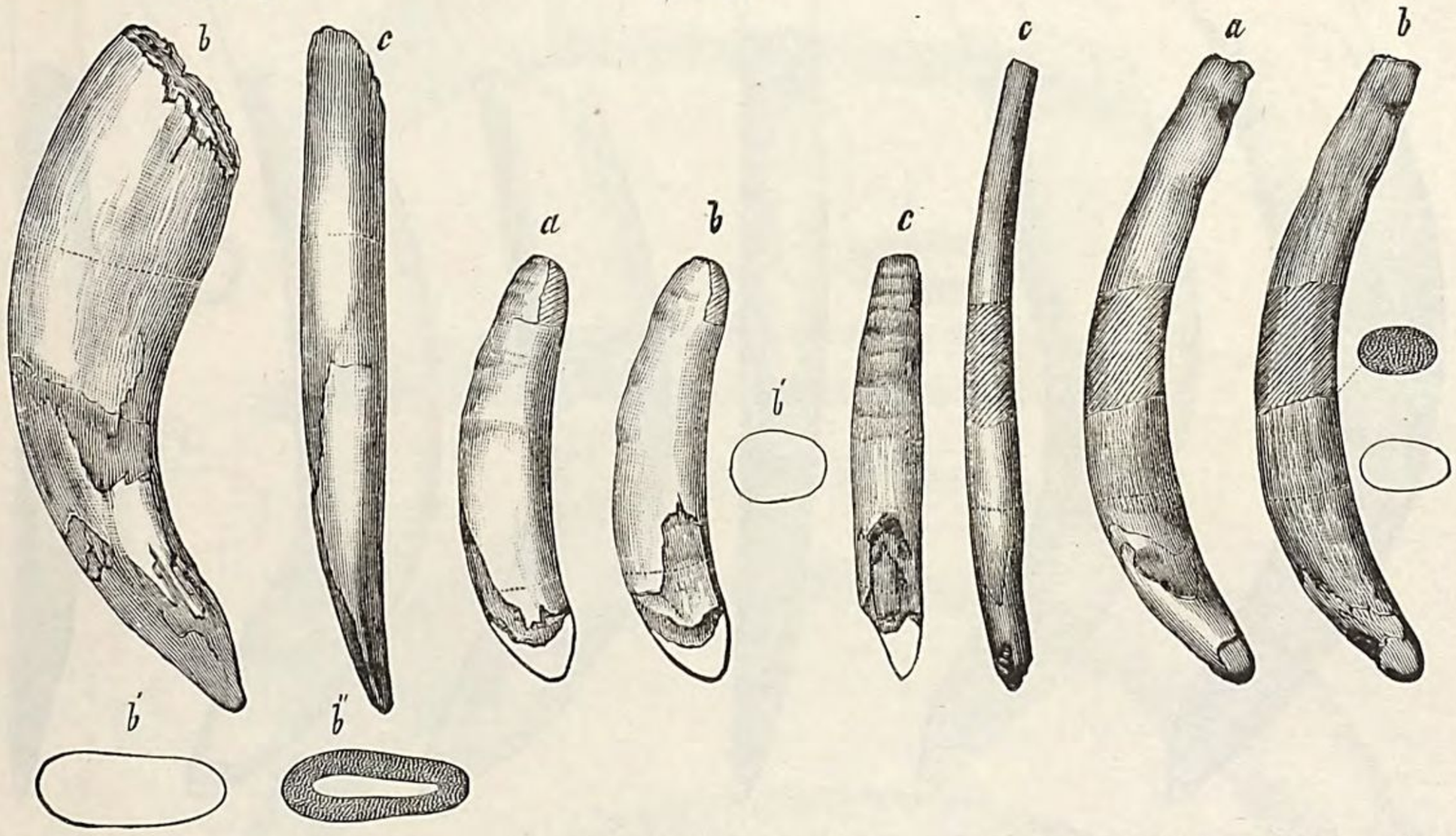

FIGURE 46.—Upper canine of *Dinoceras lucare*, Marsh (No. 1038); male. *b*. lateral view, inner surface; *b'*. outline of section of tooth; *b''*. section of tooth showing pulp cavity; *c*. front view of tooth.

FIGURE 47.—Upper canine of *Dinoceras laticeps*, Marsh (No. 1202); female. *a*. outer surface; *b*. inner surface; *b'*. outline of section; *c*. front view.

FIGURE 48.—Upper canine of *Tinoceras longiceps*, Marsh (No. 1256); female. *a*. outer surface; *b*. inner surface; *c*. front view of tooth.

The dotted line on the teeth marks the position of the alveolar border, below which the tusk was exposed.

All the figures are one-fourth natural size.

THE CANINES.

The superior canines of *Dinoceras* are long, recurved, trenchant tusks. The crown is covered with enamel, and the root extends upward into the base of the maxillary protuberance, or horn-core. When the animal is

young, these tusks grow from a persistent pulp, but in old age the cavity becomes nearly closed. In the male, these tusks are large and powerful, and extend downward nearly or quite to the extremity of the pendent process of the lower jaw.

FIG. 49.

FIG. 50.

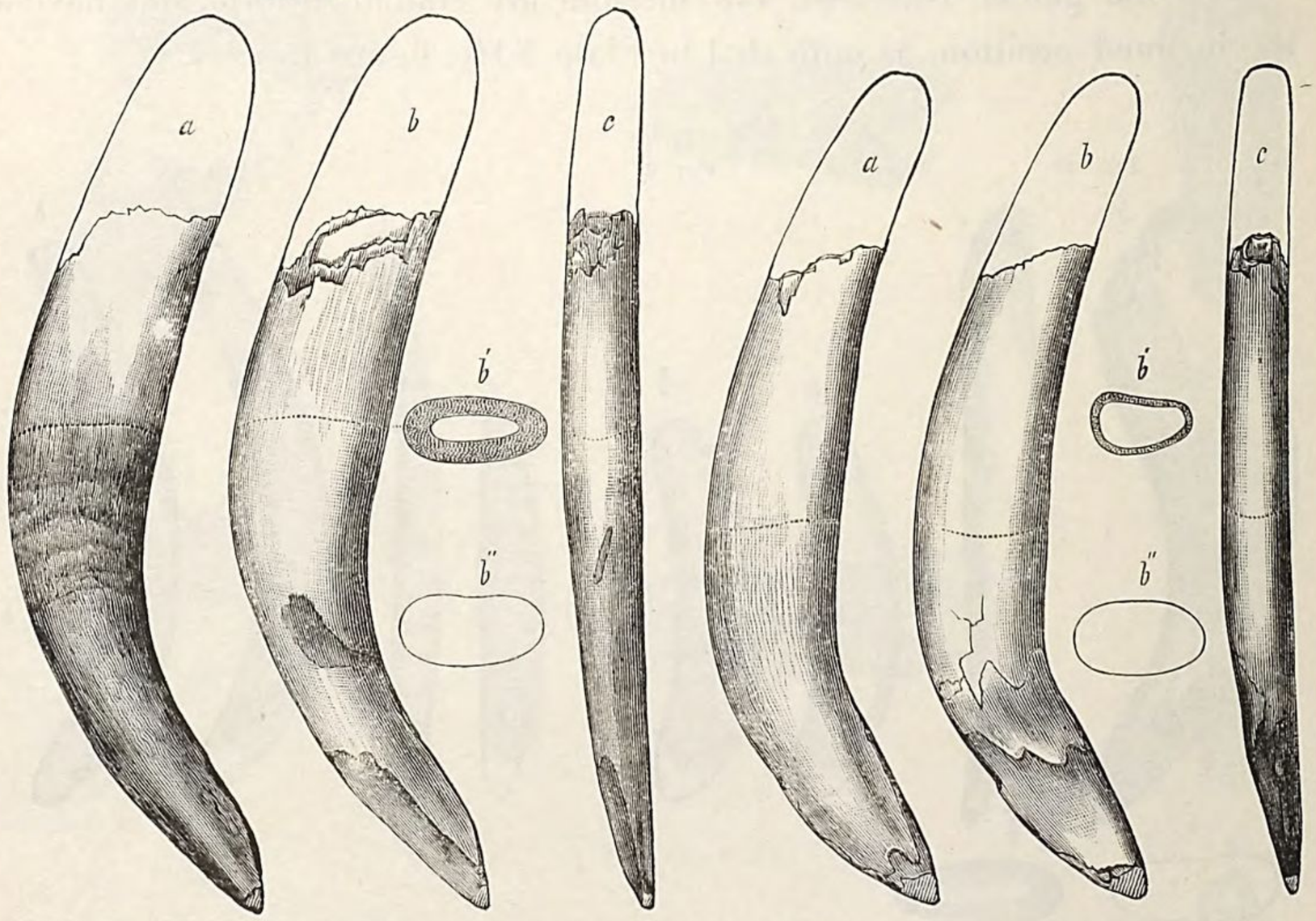

FIGURE 49.—Upper canine of *Tinoceras grande*, Marsh (No. 1040); male.
FIGURE 50.—Upper canine of *Dinoceras laticeps*, Marsh (No. 1222); male.
a. lateral view showing outer surface; *b*. inner surface; *b'*. *b''*. sections; *c*. front view.
The dotted line on the teeth marks the position of the alveolar border, below which the tusk was exposed.
All the figures are one-fourth natural size.

In *Dinoceras mirabile* (number 1036), the canine tusks are oval in section, where they emerge from the jaw, then become somewhat constricted, before expanding into a wide, thin, lanceolate extremity, as shown in Plate I. On the outer surface of these tusks, there is a distinct ridge in the lower half exposed, giving there a subtriangular, or bayonet-like form.

In *Dinoceras lucare*, the upper canines are not constricted, but taper to the lower end, which has, also, a bayonet form (Plate IX, figure 1, *c*).

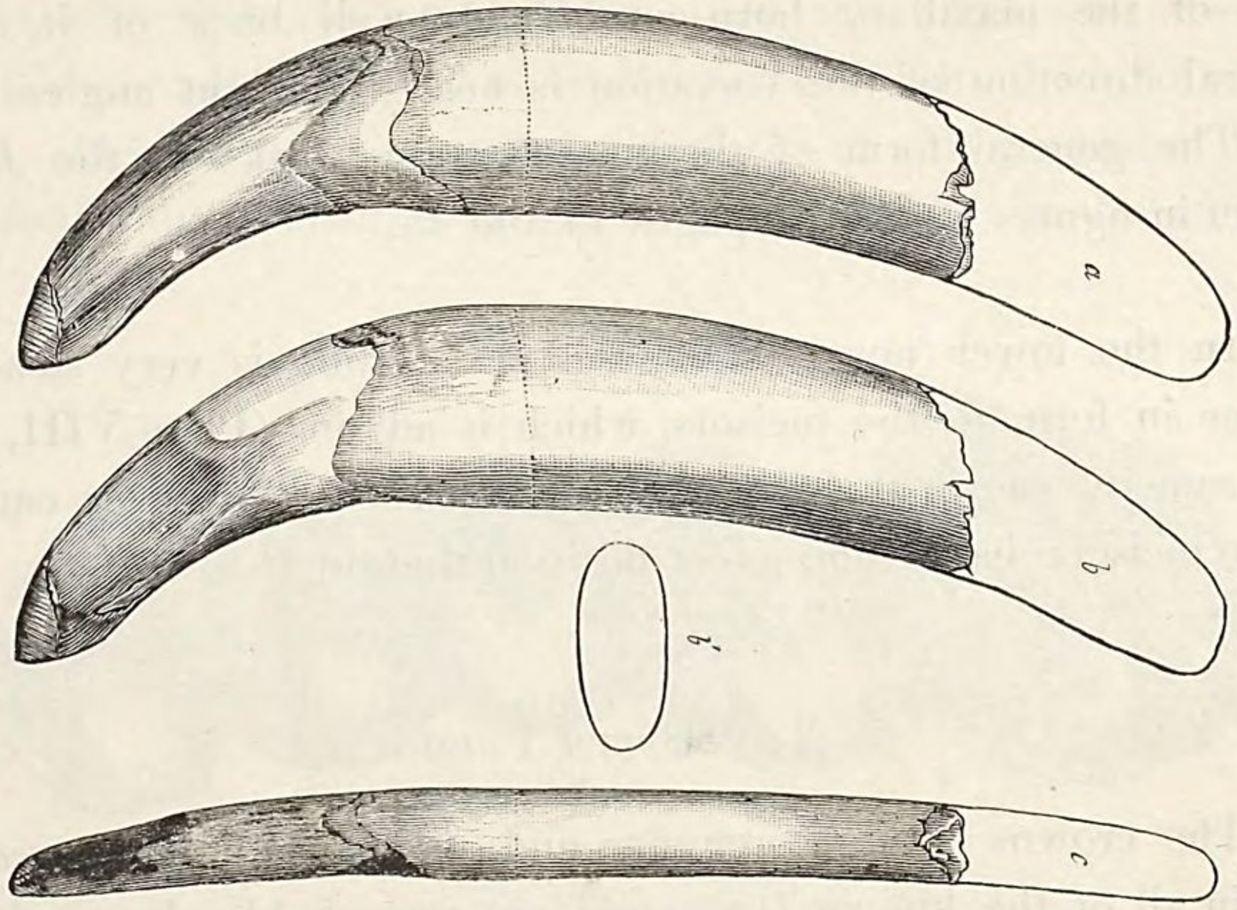

FIG. 51.

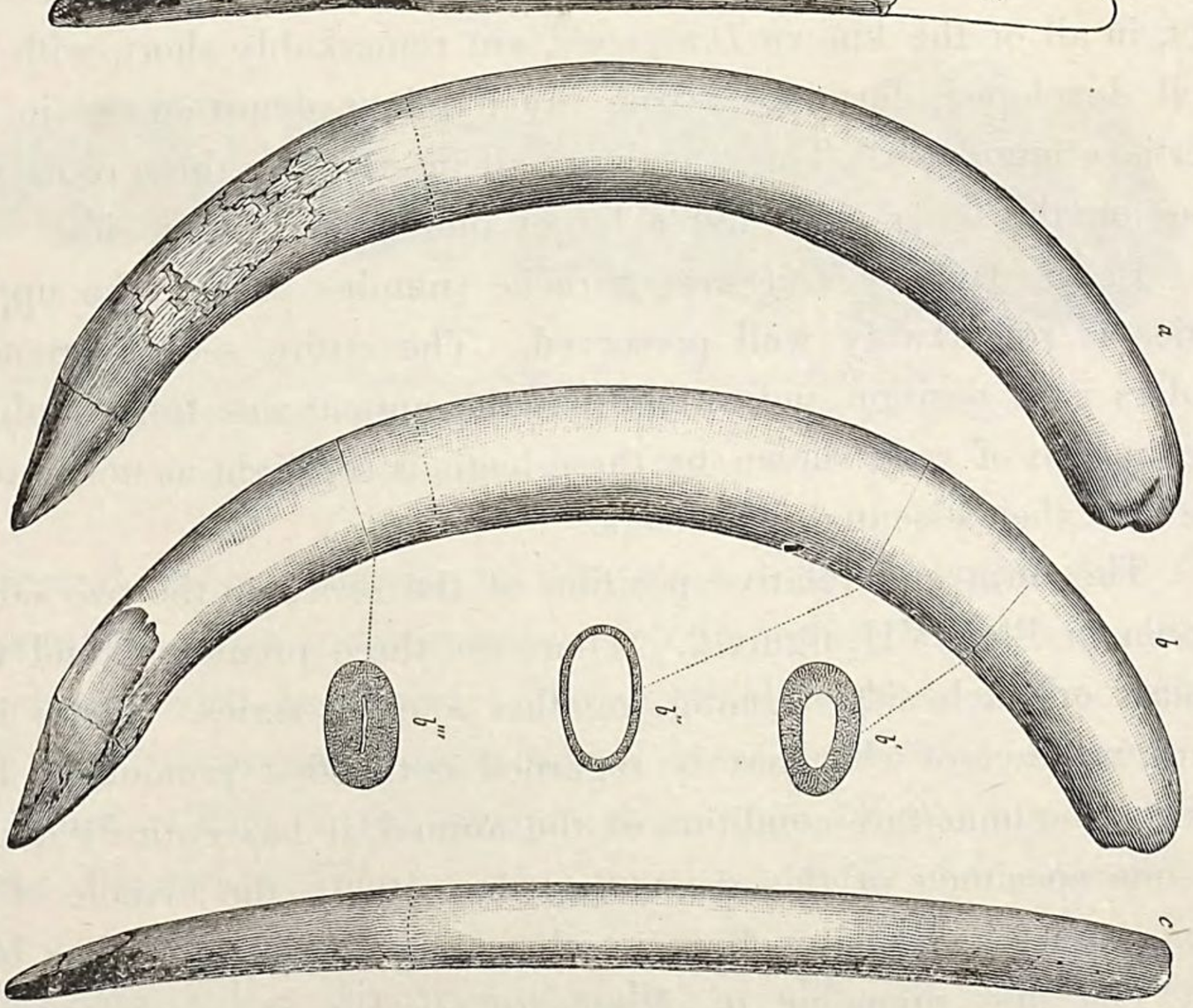

FIG. 52.

FIGURE 51.—Upper canine of *Tinoceras ingens*, Marsh (No. 1043); male.
FIGURE 52.—Upper canine of *Tinoceras pugnax*, Marsh (No. 1044); male.
a. lateral view, showing outer surface; *b*. inner surface; *b'*, *b''*, *b'''*, sections of tooth; *c*. front view.
All the figures are one-fourth natural size.

In the female of *Dinoceras*, the upper canines are small and slender, and protrude but little below the jaw (Plate XIV, figure 1, *c*).

In *Tinoceras*, the upper canines are much more curved than in *Dinoceras*, and the end of the root, instead of being inserted in the base of the maxillary horn-core, starts well back of it, so that the general direction of this elevation is nearly at right angles to the tusk.

The general form of the upper canine tusks in the *Dinocerata* is shown in figures 49–52, on pages 44 and 45.

In the lower jaw of *Dinoceras*, the canine is very small, and very similar in form to the incisors, which it adjoins (Plate VIII, figure 1, *c*). The same is true in the genus *Tinoceras*, where the lower canine, as well as the incisors, has a more erect position than in *Dinoceras*.

The Upper Premolars.

The crowns of the premolar and molar teeth in *Dinoceras*, and, in fact, in all of the known *Dinocerata*, are remarkably short, with the roots well developed, forming a true brachyodont dentition, as in all early Tertiary ungulates. These teeth are all inserted by three roots, two small ones on the outer side, and a larger one on the inner side.

In the type of *Dinoceras mirabile* (number 1036), the upper molar series is remarkably well preserved. The entire set of premolars and molars is in position, indicating that the animal was fully adult, and yet the amount of wear shown by these teeth is so slight as not to obscure in the least their essential characters.

The form and relative position of the series on the two sides is well shown in Plate VII, figure 2. There are three premolars, and three true molars on each side, forming together a close series. There is, in this skull, no trace of what may be regarded as the first premolar. If present during the immature condition of the animal, it has entirely disappeared. In one specimen of this genus (number 1039), the alveole of this first upper premolar remains, but no other trace of the tooth has been seen.

The first premolar of *Dinoceras mirabile* in place, which would correspond to the second in the complete ungulate dentition, is the

smallest of the present series. Its crown is subtriangular in outline, with the apex in front. The antero-external face is cordate in outline, somewhat concave, with the point below. On the inner side, there is an elevated lobe, somewhat inside of, and separated from, the apex of the external face. On the inner and posterior faces of this premolar, there is a strong basal ridge, which is nearly or quite obsolete on the anterior face.

FIG. 53.

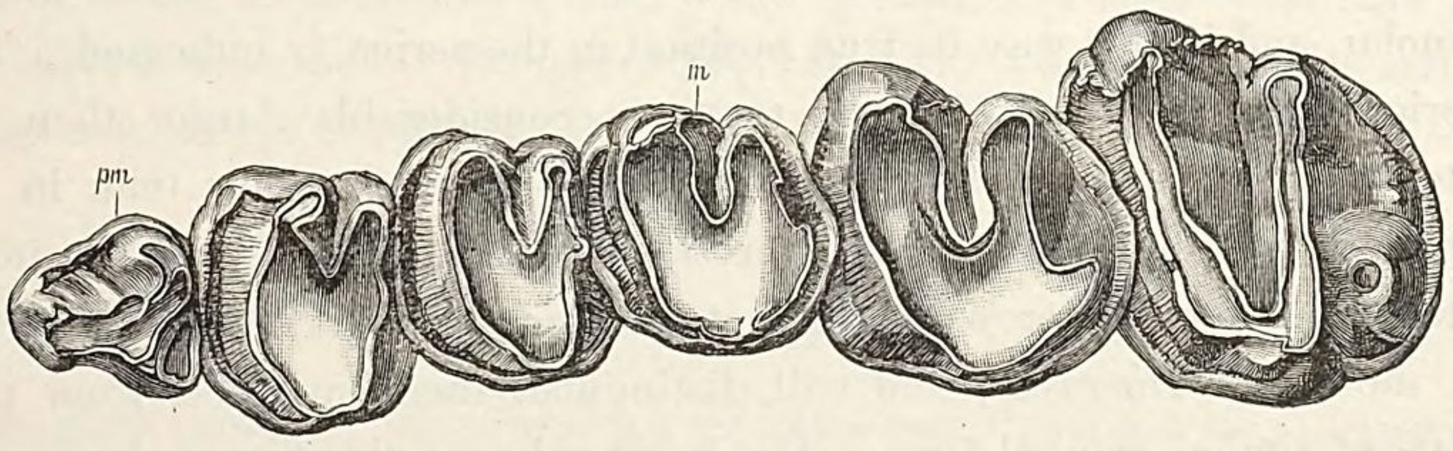

FIG. 54.

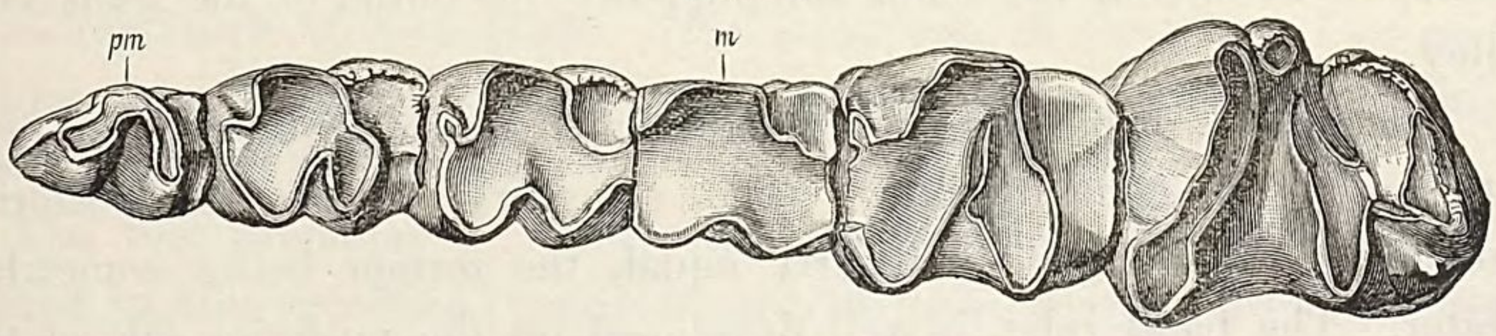

FIGURE 53.—Upper molar series of *Tinoceras stenops*, Marsh (No. 1567); seen from below.
FIGURE 54.—Lower molar series of same specimen; seen from above. *m.* molar; *pm.* premolar.

The figures are three-fourths natural size.

The second upper premolar in this series is much larger than the one last described. The crown is sub-cordate in outline, the apex pointing inward, and somewhat backward. The essential features of the crown consist of two transverse ridges, which meet internally, forming a V-shaped figure. This is the characteristic type of the upper molar series in the *Dinocerata*. The anterior transverse ridge of this tooth has its external extremity somewhat curved backward. This premolar has a well marked basal ridge, entirely surrounding it, although somewhat thin near the middle of the anterior border.

The last upper premolar is very similar to the one just described. Its crown is somewhat more triangular in outline, and the crests of the transverse ridges are straighter. The basal ridge is continued and well developed.

The Upper Molars.

The first true molar is much like the last premolar in general form. It shows by its greater wear that it made its appearance before the last premolar, and in this way its true position in the series is indicated. The anterior transverse crest in this tooth is considerably larger than the posterior crest, and the valley between them is much wider than in the premolars. Behind the posterior crest, moreover, there is, on the inner posterior angle of the crown, a distinct tubercle. This is seen in all of the true molars in *Dinoceras*, and will distinguish them, at once, from premolars of similar general form. The basal ridge of this first molar is well developed, except on the outer side, opposite the outlet of the transverse valley.

The second, or penultimate, upper molar is much larger than the first, but similar in general form. The transverse and antero-posterior diameters of the crown are nearly equal, the former being somewhat greater. The basal ridge is well developed on the posterior side of the crown, and distinct on the internal and anterior faces, but is obsolete on the external face, near the middle.

The last upper molar is much the largest of the series, and the transverse diameter of the crown is considerably greater than the antero-posterior diameter. The anterior crest is larger than the posterior, and considerably curved, with the convexity in front. The posterior crest is nearly straight, but does not join the anterior crest closely at its inner extremity, the two forming a U-shaped figure. Back of the crest, on the posterior, internal border, there are two distinct tubercles in this specimen, as shown in Plate VII, figure 2. The basal ridge is continuous, except between the outer margin of the lateral crests, where it is lost in the depression on this part of the crown.

In *Dinoceras lucare* (number 1038), the upper molar teeth agree with those already described, in their main characters, but as this individual was considerably older than the type of *Dinoceras mirabile*, the teeth show a greater degree of wear, as represented in Plate IX, figure 2.

In the genus *Tinoceras*, the upper molar series is essentially the same in position and structure as in *Dinoceras*.

In *Tinoceras ingens* (number 1041, Plate XVIII, figure 2), the upper series of molar teeth is shown, with a still greater degree of wear than in those above described. In figure 53, page 47, the upper molar series of *Tinoceras stenops* is represented.

The Lower Premolars.

In each ramus of the lower jaw of *Dinoceras*, there is a close series of six teeth, three of which are premolars, and three true molars. These are all inserted each by two roots. This is also true of the genus *Tinoceras*. In these two genera, so far as known, there is no indication of any premolar in front of this series.

The first premolar of the typical ungulate dentition has not been detected in any specimen, young or old, of these genera. In the lower jaw of *Uintatherium*, as this genus is here defined, there were four premolars. The first lower premolar is here present, situated somewhat in front of the others, and but little separated from the lower canine. It was a small tooth, inserted by two roots, and in all probability had no predecessor. The position of this tooth is shown in figures 41 and 42 on page 39.

The second lower premolar, the first of the series in *Dinoceras*, was inserted by two roots. Its crown consists of a large anterior lobe, and a small posterior one. There is a distinct basal ridge on the external surface, which curves around upon the anterior and posterior faces, but is wanting on the inner surface.

The second premolar of this series, representing the third premolar, is considerably larger than the one in front of it, and its crown is less compressed transversely. The anterior and posterior lobes of the crown, especially the former, are here elongated in the transverse ridges, approximating to the V-shaped figure in the corresponding upper premolars. The basal ridge is here on the external face, and curves around behind, so as to enclose the posterior tubercle.

The last lower premolar is very similar in form and size to the one before it, but is somewhat larger. The basal ridge has a similar position.

The Lower Molars.

The first true lower molar is smaller than the last premolar, but is similar in the general form and composition of its crown. It shows a greater degree of wear than the tooth in front of it, thus indicating that it appeared earlier, and is the first of the true molar series. The inner end of the anterior lobe, or crest, has its summit divided by a distinct notch, a trace of which was seen in the corresponding part of the last lower premolar. The basal ridge is distinct on the outer face, and likewise curves around behind the posterior lobe.

The second, or penultimate, lower molar is much larger than the first, and has the transverse ridges much more strongly developed. The anterior one is considerably elevated, and the two do not meet closely on the inner side. The basal ridge is here distinct on the outer surface, and swells in front into a distinct ridge, and behind into a broader crest, or heel.

The last lower molar in *Dinoceras* is much the largest of the series. The anterior crest is nearly straight transversely. The posterior crest is inclined inward and forward, the two meeting on the inner face, forming a distinct V-shaped pattern. The posterior lobe, or heel, is here largely developed, and more distinctly separated by a deep valley, from the two crests just described.

The position and general form of the lower molar teeth in *Dinoceras laticeps* is shown in Plates XII and XIII.

The corresponding teeth in the genus *Tinoceras* are well shown in Plate XIX. The posterior transverse crest of the penultimate and last lower molar have here a distinct tubercle at their inner extremity, at the apex of the typical V-shaped pattern. This is shown especially in figure 2 of Plate XIX. In figure 54, on page 47, the lower molar series of *Tinoceras stenops* is represented.

All of the incisors, canines, and premolars in *Dinoceras* and *Tinoceras* appear to have been preceded by a series of temporary teeth. The incisors, and lower canines sometimes made their appearance before their small predecessors had disappeared. In one specimen, represented in figures 39 and 40, page 38, these immature teeth are seen in place in small cavities in the sides of the alveoles of the permanent dentition.

The lower incisors and their accompanying canines are usually more or less worn. This is due mainly to the food consumed, and in part to the attrition of the upper canines, and, perhaps, also to a heavy, coarse, upper lip. The premaxillaries, being edentulous, probably supported a pad, as in ruminants.

The upper canines show distinct traces of wear on their inner surface near the base, and, also below, near the apex of the crown. This wear is probably due to the action of the agencies just described.

A more difficult problem is presented by the worn surface sometimes seen on the outer face of these tusks, somewhat below the insertion in the jaw, as shown in figure 51, page 45. This is probably due to the wearing action of a heavy upper lip.

The molar teeth in *Dinocerata* appear to resemble more closely the corresponding teeth in the genus *Coryphodon* than those of any other animal. The general dentition, however, is quite distinct. *Coryphodon* has well developed upper incisors, and a medium-sized upper canine, thus differing widely in these features from the *Dinocerata.* The position and size of these teeth in *Coryphodon* are shown in figure 66, page 63. The upper and lower molar series are shown in figures 55 and 56, page 52.

FIG. 55.

FIG. 56.

FIGURE 55.—Upper molar series of *Coryphodon hamatus*, Marsh (No. 1334); seen from below.
FIGURE 56.—Lower molar series of same specimen; seen from above.

Both figures are one-half natural size.

CHAPTER IV.

THE BRAIN.

(Plate VI.)

The brain of the *Dinocerata* is one of the most peculiar features of the group. It is especially remarkable for its diminutive size. It was proportionally smaller than in any other known mammal, recent or fossil, and even less than in some reptiles. It was, indeed, the most reptilian brain in any known mammal. In *Dinoceras mirabile* (number 1036), the entire brain was actually so diminutive that it could apparently have been drawn through the neural canal of all the presacral vertebræ, certainly through the cervicals and the lumbars.

The size of the entire brain in *Dinoceras*, as compared with that of the cranium, is shown in the accompanying cuts, figures 7 and 8, page 15, and figures 57 and 58, page 54. The size of the brain-cavity, and its position in the skull in *Tinoceras*, also, is represented in figure 9, page 16, and figure 67, page 63.

The most striking feature in the brain-cavity itself, is the relatively small size of the cerebral fossa, this being but little larger than the cerebellar portion. This is well shown in Plate VI, the figures of which are drawn from the cast of the brain-cavity of *Dinoceras mirabile*, the type of the genus.

The cerebral hemispheres did not extend at all over the cerebellum or the olfactory lobes. The latter were large, and continued well forward. The hemispheres were probably convoluted, and the sylvian fissure appears to be distinctly marked.

FIG. 57.

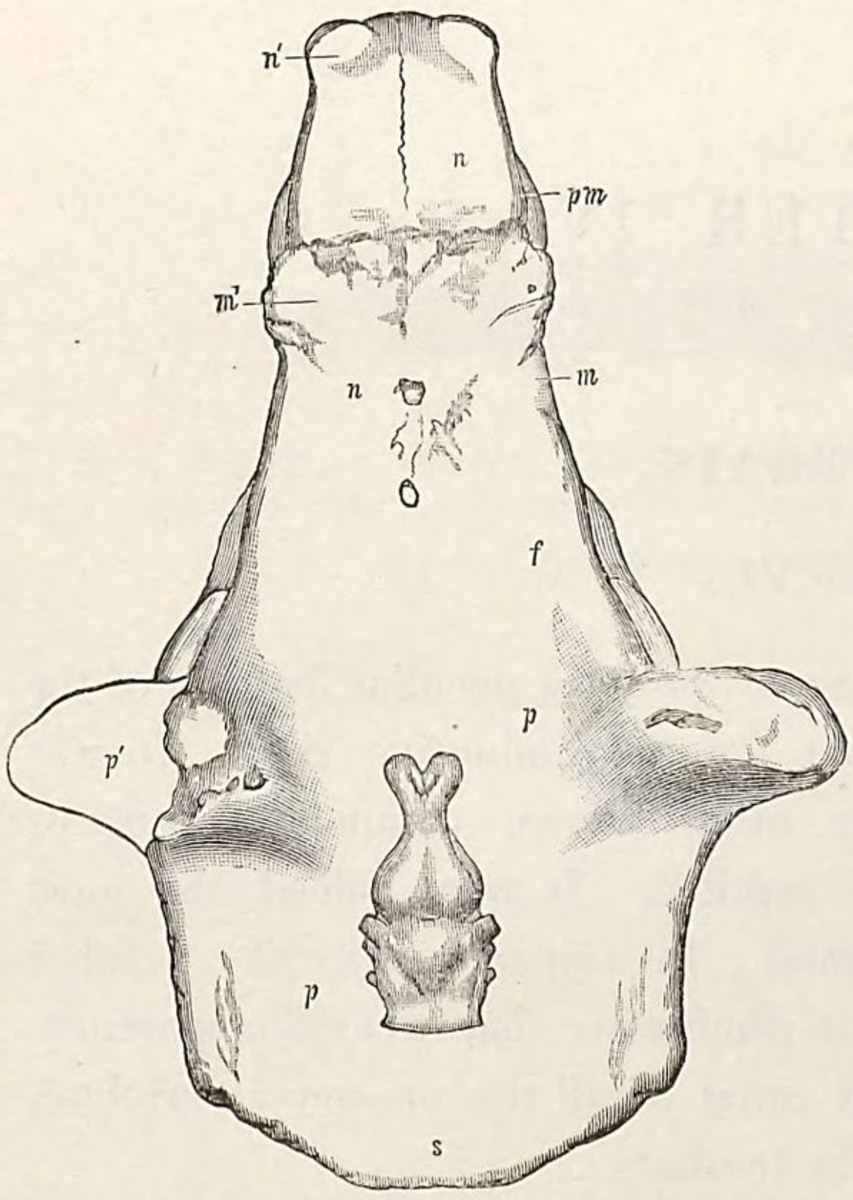

FIG. 58.

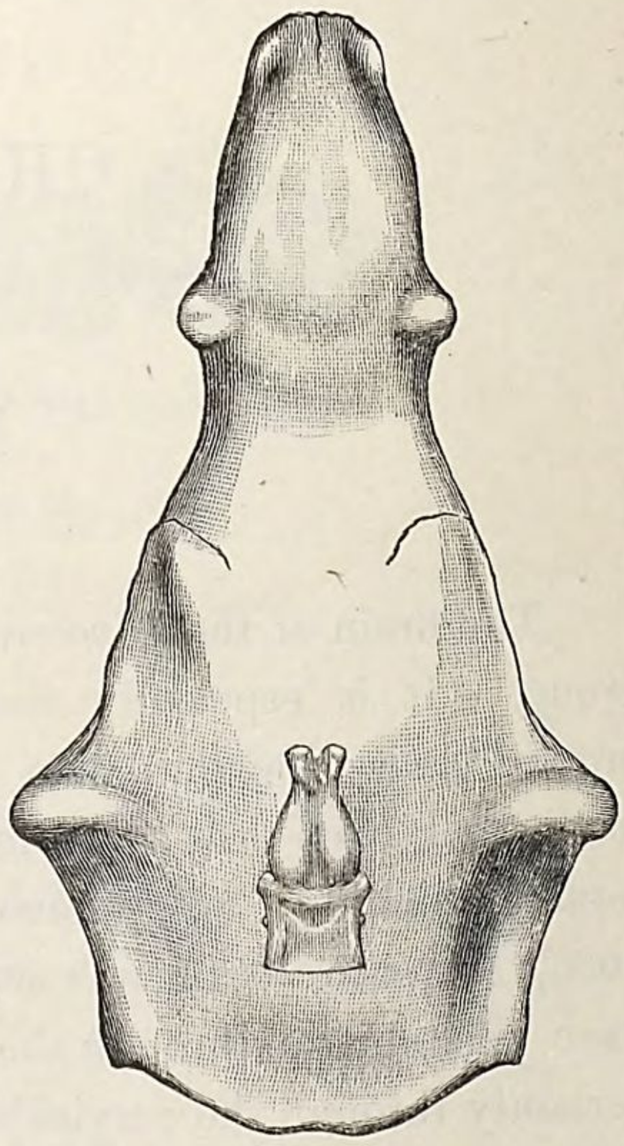

FIGURE 57.—Skull of *Dinoceras laticeps*, Marsh (No. 1039); male; with brain-cast in position.
FIGURE 58.—Skull of *Dinoceras laticeps* (No. 1202); female; with brain-cast in position.
f. frontal bone; *m.* maxillary bone; *m'.* maxillary protuberance; *n.* nasal bone; *n'.* nasal protuberance; *p.* parietal bone; *p'.* parietal protuberance; *s.* supraoccipital crest.

Both figures are one-eighth natural size.

The cerebellar fossa is but little larger, transversely, than the medullar canal, and has lateral cavities, which were probably occupied by flocculi. There was a rudimentary tentorial ridge. The pituitary fossa is nearly round, and of moderate depth. There are no clinoid processes.

The Cranial Nerves.

The nerves passing off from the brain were large, and can be made out with reasonable certainty. The olfactory lobes were separated in front by an osseous septum, the position of which is shown distinctly in Plate VI, figure 2

Fig. 59.

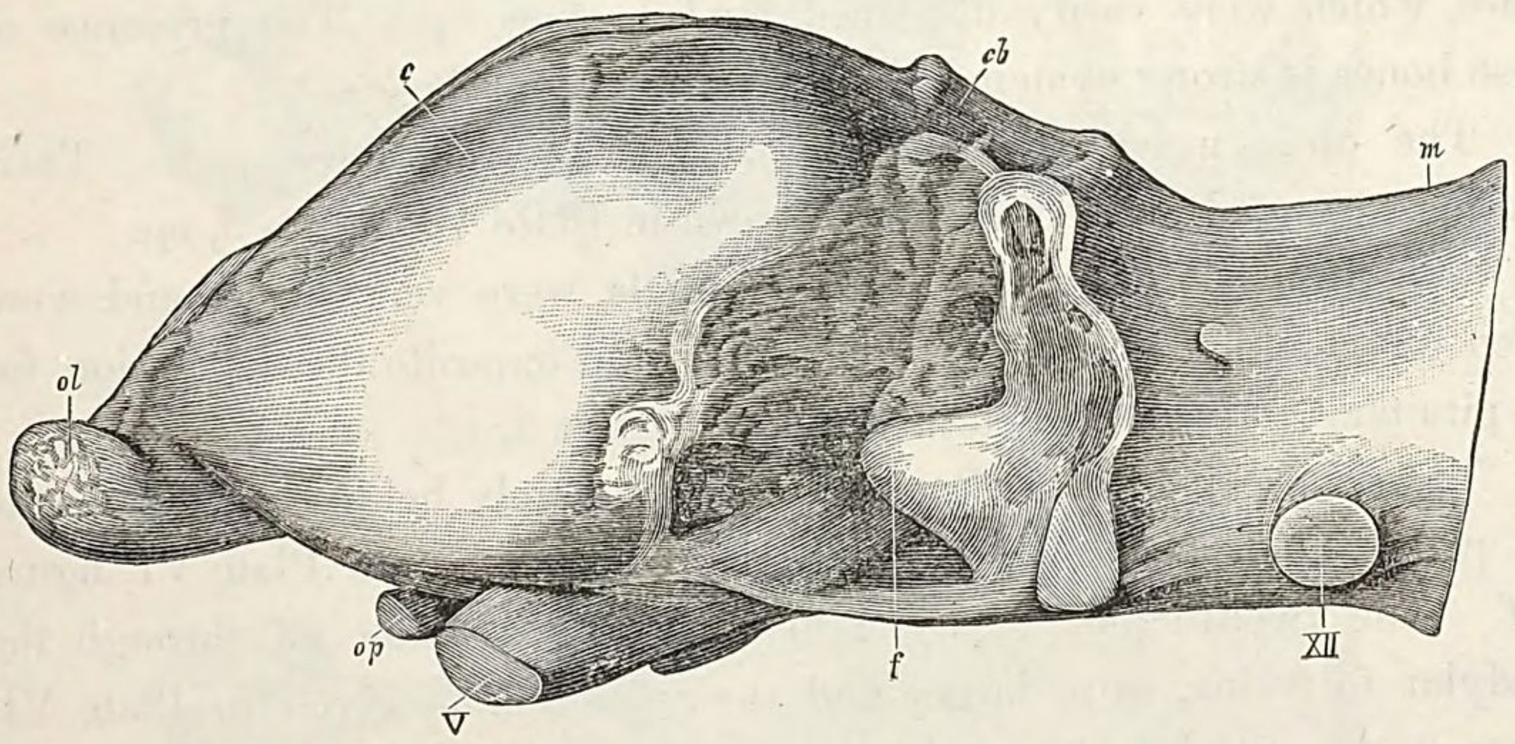

Fig. 60.

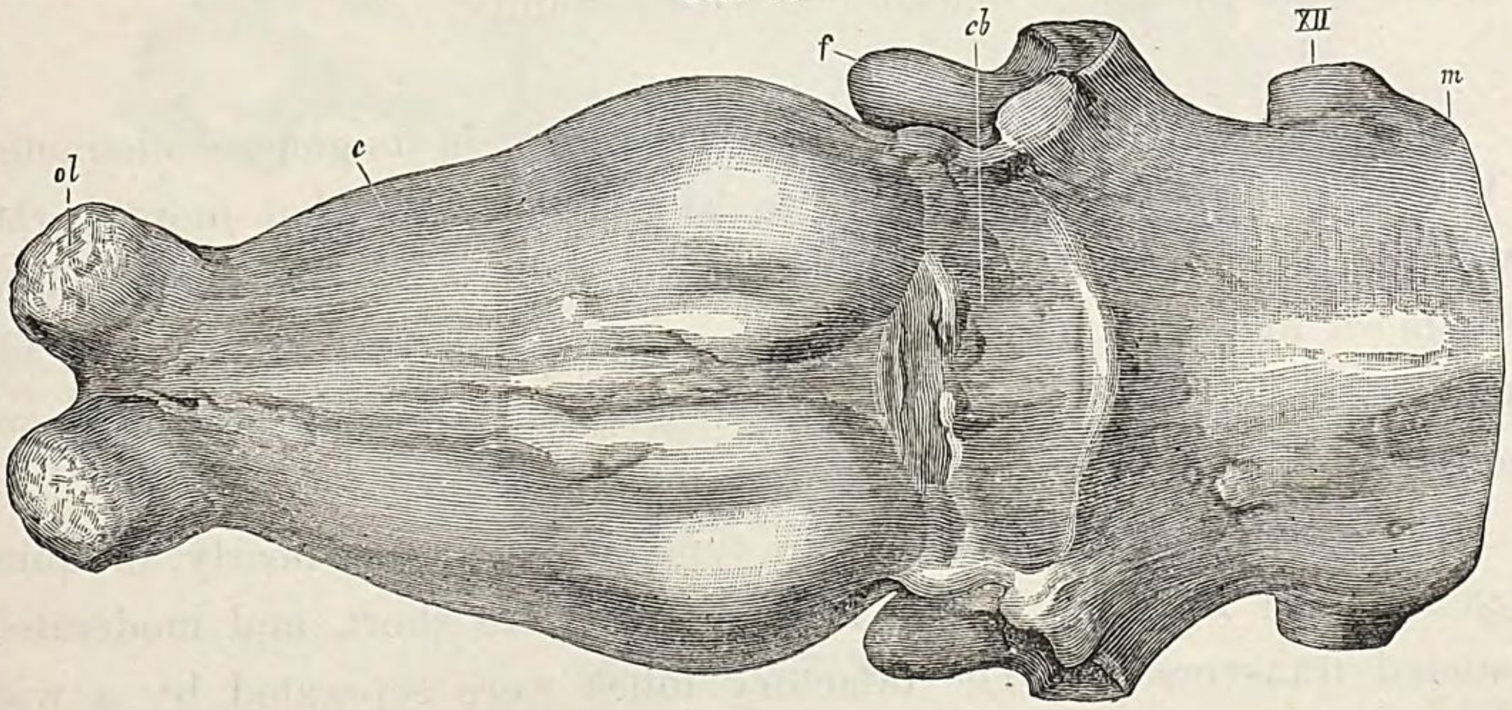

Figure 59.—Cast of brain-cavity of *Tinoceras ingens*, Marsh (No. 1041); side view.

Figure 60.—The same; superior view.

c. cerebral hemispheres; *cb.* cerebellum; *f.* flocculus; *m.* medulla; *ol.* olfactory lobes; *op.* optic nerves; V. fifth nerve; XII. twelfth nerve.

Both figures are three-fourths natural size.

The cribriform plate, bounding these lobes in front, is thin and easily displaced, but its position in the specimen is shown approximately by the extremity of the olfactory lobes represented in Plate VI. In front of this plate the olfactory nerves were spread out in a large cavity, which is represented in figures 30 and 31, page 29. The nasal canals extend forward from this cavity to the external nares, as indicated in the same figures. In these canals there were thin, well developed, ethmo-turbinal bones, which were easily displaced, and broken up. The presence of these bones is strong evidence that there was no proboscis.

The optic nerves, or second pair, were well developed. Their position, size, and place of exit, are shown in Plate VI, figure 3, *op*.

The fifth pair of nerves, or tri-geminals, were very large, and were given off on either side, behind the optics, and opposite the depression for the pituitary body, as shown in Plate VI, figure 3, *v*.

The sixth pair of nerves passed off immediately behind and below the last pair. Their position and relative size are shown in Plate VI, figure 3, *f*. The twelfth pair, or hypoglossal nerves, passing off through the condylar foramina, were large, and their position is given in Plate VI, figure 3, XII, and *cf*. The position and exit of the other nerves sent off from the brain cannot be determined with certainty.

In the genus *Tinoceras*, the brain was similar in its general characters to that of *Dinoceras*, but appears to have been somewhat more highly developed, as shown in figures 59 and 60, page 55. The hemispheres were more elongate, and the olfactory lobes relatively smaller. The cavities for the flocculi were quite large, and directed well forward. The twelfth pair of nerves were largely developed.

In *Uintatherium*, the brain of the type specimen was nearly, or quite, as small as in *Dinoceras*. The hemispheres were short, and moderately expanded transversely. The olfactory lobes were separated by a wide septum, and were much more divergent than in *Dinoceras* or *Tinoceras*. These characters are shown in figures 61 and 62, page 57, which are of the same relative size as the figures in Plate VI.

FIG. 61.

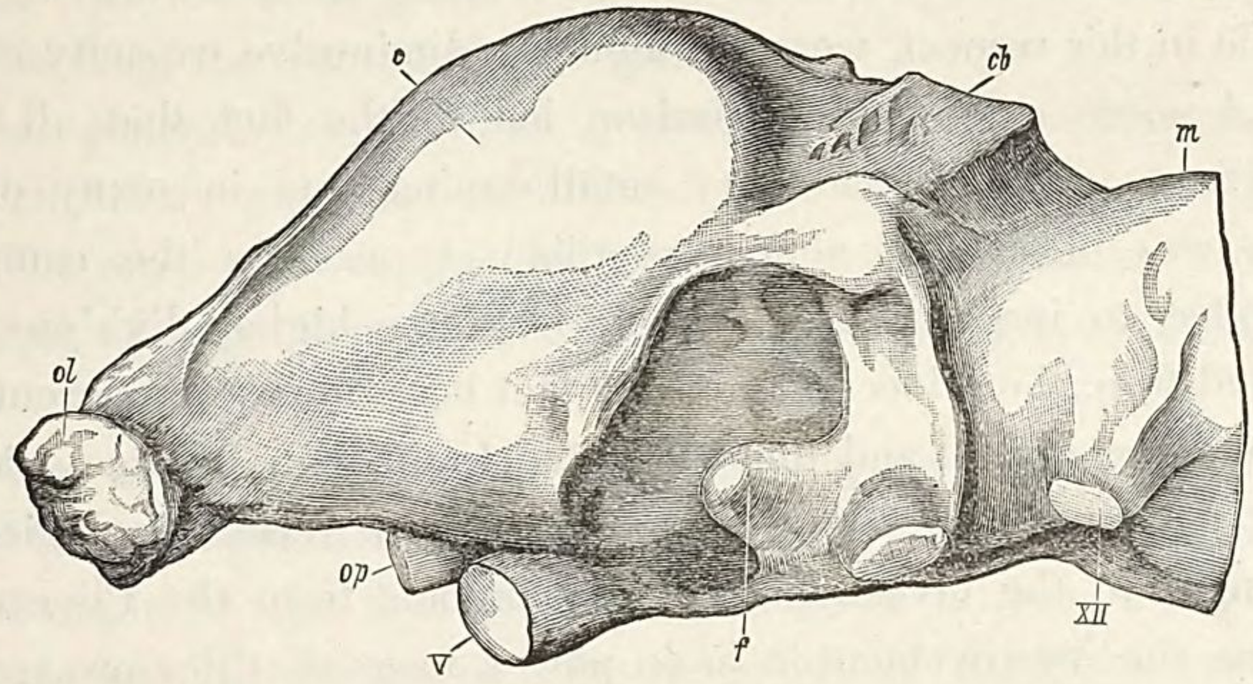

FIG. 62.

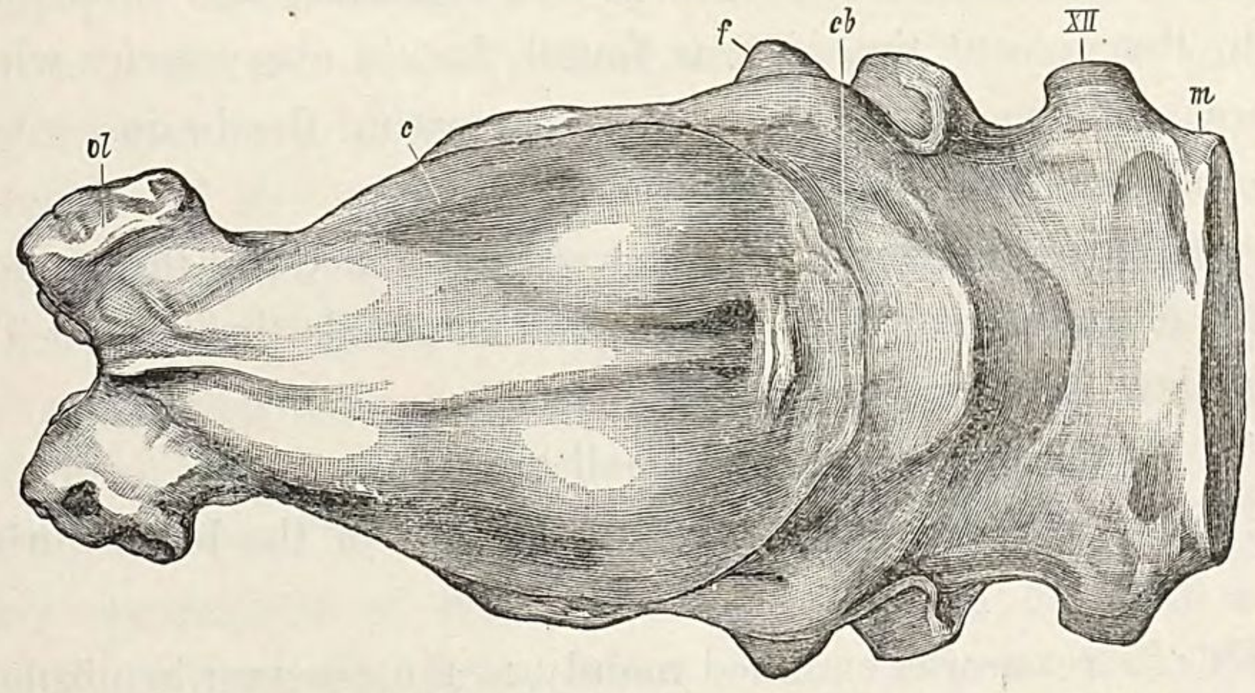

FIGURE 61.—Cast of brain-cavity of *Uintatherium robustum*, Leidy; type specimen, lateral view.
FIGURE 62.—The same; superior view.
c. cerebral hemispheres; *cb.* cerebellum; *f.* flocculus; *m.* medulla; *ol.* olfactory lobes; *op.* optic nerves; V. fifth nerve; XII. twelfth nerve.

Both figures are three-fourths natural size.

BRAIN GROWTH.

The *Dinocerata* are, by far, the largest of all known Eocene land animals, and that they have, also, a very diminutive brain is a noteworthy fact, which attracted the author's attention soon after their discovery.

The comparison of the brain in this group with that of other mammals from the same formation soon showed that the *Dinocerata*, although most remarkable in this respect, were not alone in diminutive capacity of brain power. A more extended comparison led to the fact that all of the early Tertiary mammals had very small brains, and in many of them the brain was of a low, almost reptilian, type. As the comparison was extended to include the mammals from the higher divisions of the Eocene, and from the Miocene, the same fact became more apparent, but a gradual increase in size and quality of the brain soon became evident in extending the investigation to the animals of more recent geological age. In bringing into the investigation the mammals from the Pliocene and Quaternary, the improvement in brain power became still more apparent, and the outline of a general law of brain growth was soon determined.

In tracing thus the different groups of mammals, each from the early Tertiary to the present time, it was found that in every series where the material was sufficient to make a fair comparison, the brain-growth had been constant, and followed the same law.

The results of this investigation were embodied by the author in a general law of brain-growth in the extinct mammals throughout Tertiary time. This law, briefly stated, was as follows:

1. All Tertiary mammals had small brains.

2. There was a gradual increase in the size of the brain during this period.

3. This increase was confined mainly to the cerebral hemispheres, or higher portion of the brain.

4. In some groups, the convolutions of the brain have gradually become more complex.

5. In some, the cerebellum and the olfactory lobes have even diminished in size.

6. There is some evidence that the same general law of brain growth holds good for Birds and Reptiles from the Cretaceous to the present time.[1]

[1] *American Journal of Science and Arts*, Vol. VIII, p. 66, July, 1874; and Vol. XII, p. 61, July, 1876; see also the author's Monograph on the ODONTORNITHES, p. 10, 4to, Washington, 1880.

The author has since continued this line of investigation, and has ascertained that the same general law of brain growth is true for Birds and Reptiles from the Jurassic to the present time.

To this general law of brain growth two additions may now be made, which briefly stated are as follows:

(1.) The brain of a mammal belonging to a vigorous race, fitted for a long survival, is larger than the average brain, of that period, in the same group.

(2.) The brain of a mammal of a declining race is smaller than the average of its cotemporaries of the same group.

An example of the first of these statements is seen in figure 70, page 64, representing the genus *Colonoceras*, one of the Eocene ancestors of the Rhinoceros. The second case is illustrated by figure 82, page 67, of the Hippopotamus, evidently one of the last members of a long line. A study of a larger number of extinct and recent specimens will make these conclusions more apparent.

The results of this study of the whole subject of brain growth, the author intends to bring together in a separate memoir. Some of the principal facts, however, may be appropriately presented in the present volume in connection with the brain characters of the *Dinocerata*, which naturally form the beginning of one series in the investigation.

In any comparison of the size of the brain in different animals, whether in the same group or in others widely different, it is important to bear in mind that:

1. The brain of small animals is proportionally larger in bulk than that of large animals.

2. The brain of young animals is proportionally larger than in those fully adult.

In a general comparison of brain growth of mammals, the first of these facts can have only a limited effect, which would not change, essentially, the general results. The effects of the second fact may be readily eliminated by confining the comparison to adult animals.

In this comparison, moreover, of the extinct forms with those of more modern time, including recent mammals, it may be taken for granted that the brain-cavity of the extinct forms, as well as of those now living, was entirely filled by the brain; since, with a possible single exception, no mammal is known in which this is not the case.

In comparing the size of the brain in mammals with that of reptiles and fishes, an important point to be borne in mind would be the fact, that in the two latter classes the brain-cavity is not always entirely filled by the brain. The present comparison deals with mammals alone, and this restriction is here of no importance.

The fact that among existing mammals there are some anomalous features in the size of the brain in allied groups has not been forgotten, but such instances, even if they occurred among extinct mammals, would not materially affect the general comparison here proposed.

In the following pages a series of figures is given, showing the comparative size of the brain, and its position in the skull in a number of the larger ungulate mammals, recent and extinct. To make the comparison a fair one, the skulls are all drawn of the same absolute size, thus showing, at once, the relative proportion of the brain in each. The skulls are placed horizontally, the plane of the molar teeth being as a rule taken as a base. In the case of the four artiodactyls, figures 80 to 83, page 67, this position has been somewhat changed, as, in this group of ungulates, the brain is more or less inclined backward in the skull. In these cases, the skull is represented as somewhat inclined forward, thus raising the posterior part of the brain. The angle of inclination of the face and of the brain, is made equal, thus giving to both the best position for comparison, and not materially affecting it for the present purpose.

A striking illustration of the development of the brain from the early Tertiary to the present time may be seen in figures 63–65, page 61, where is shown, first, the skull of *Dinoceras*, the largest land mammal of the Eocene, with the brain in position; second, the skull of the gigantic Miocene *Brontotherium*, with the brain also in position; and third, the skull of the recent horse. Other comparisons, equally striking, can readily be made.

FIG. 63.

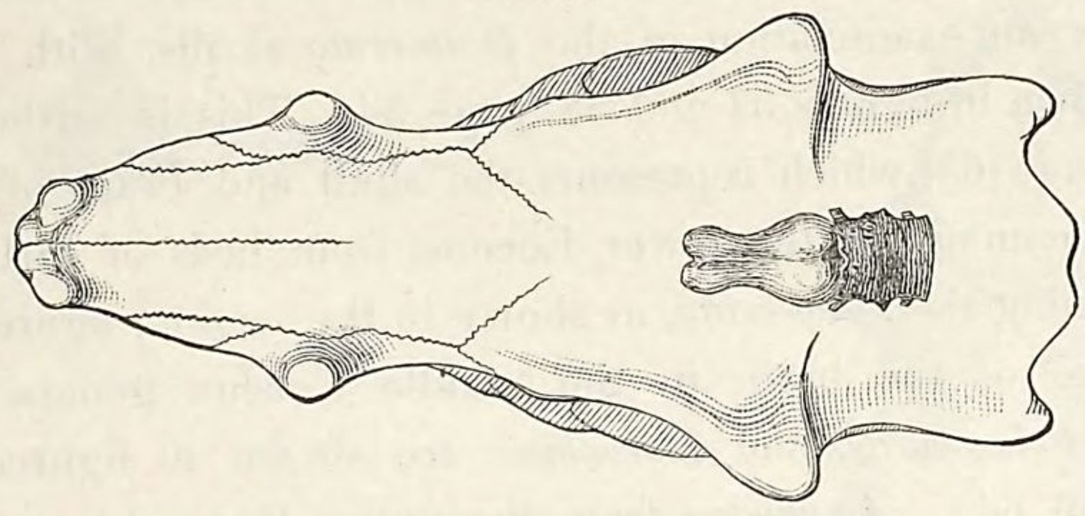

FIG. 64.

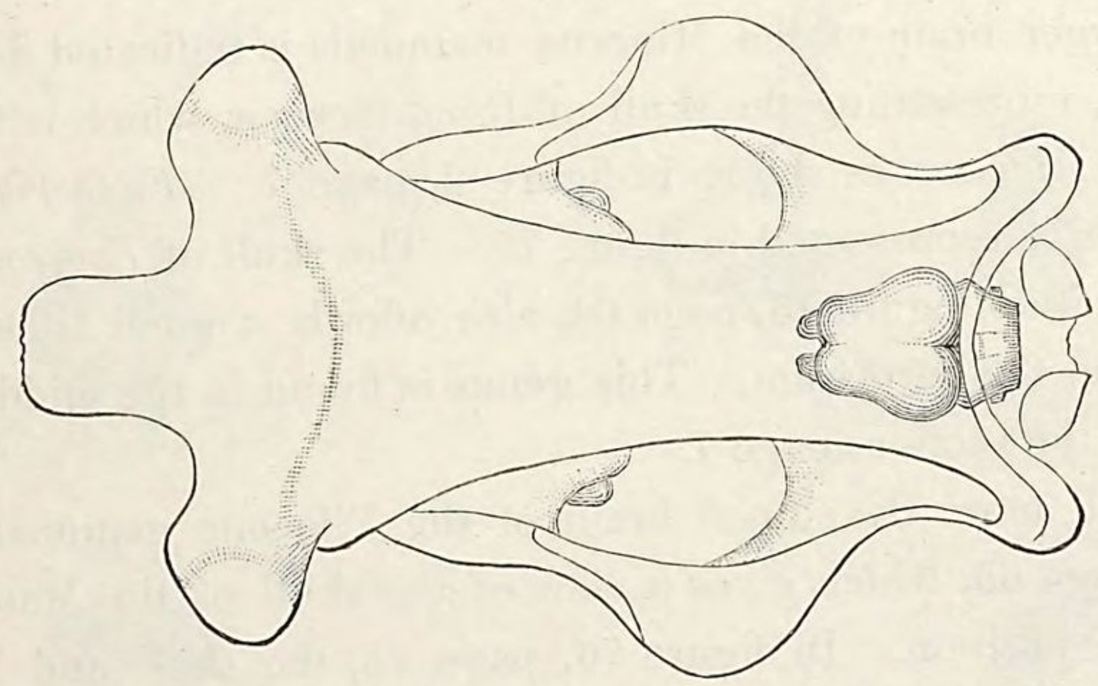

FIG. 65.

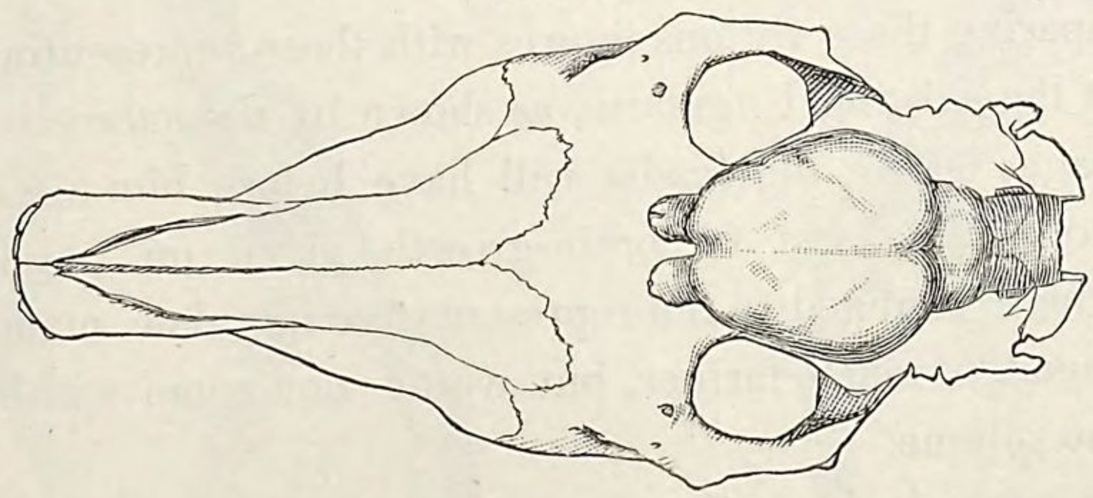

FIGURE 63.—Outline of skull of *Dinoceras mirabile*, Marsh; with cast of brain-cavity in position: about one-eighth natural size. Eocene.

FIGURE 64.—Outline of skull of *Brontotherium ingens*, Marsh; with cast of brain-cavity in position; one-tenth natural size. Miocene.

FIGURE 65.—Outline of skull of horse, *Equus caballus*, Linnæus; with cast of brain-cavity in position; about one-sixth natural size. Recent.

The small size of the brain in early Tertiary mammals will be indicated by an examination of the *Dinocerata* skulls, with the brain in position, shown in figures 57 and 58, page 54. This is further shown by figure 66, page 63, which represents the skull and brain of *Coryphodon*, the largest mammal in the lower Eocene, from beds of earlier age than those containing the *Dinocerata*, as shown in the section, figure 2, page 7.

The size of the brain in the middle Eocene genera *Palæosyops*, *Lymnohyus*, *Colonoceras*, and *Hyrachyus* are shown in figures 68 to 71, pages 63 and 64. *Amynodon* from the upper Eocene is represented in figure 72, page 64.

The larger brain of the Miocene mammals is indicated by the figure 64, page 61, representing the skull of *Brontotherium*, which is found at the base of the Miocene, as shown in figure 2, page 7. *Elotherium* from the same horizon is represented in figure 75. The skull of *Eporeodon*, with its brain in position, figure 73, page 64, also affords a good illustration of a mammal from this formation. This genus is found in the middle Miocene, as shown in the section, page 7.

The still more developed brain of the Pliocene mammals is seen in figure 74, page 65, which gives a view of the skull of the Mastodon, with the brain in position. In figure 76, page 65, the skull and brain of an extinct Pliocene peccary further illustrates the same law of brain-growth.

On comparing these various figures with those representing the brains and skulls of the existing Ungulates, as shown by the succession in figures 77–83, on pages 66–67, the reader will have before him a series of facts which illustrate the laws of brain-growth given on page 58. The comparison, here confined to the representative ungulate mammals, might easily be extended much farther, but would not come within the scope of the present volume.

The author has made similar comparisons in other groups of mammals, including those that can be followed from the early Tertiary to the present time, and the results are uniformly the same. These results the author hopes to present fully elsewhere at no distant day.

FIG. 66.

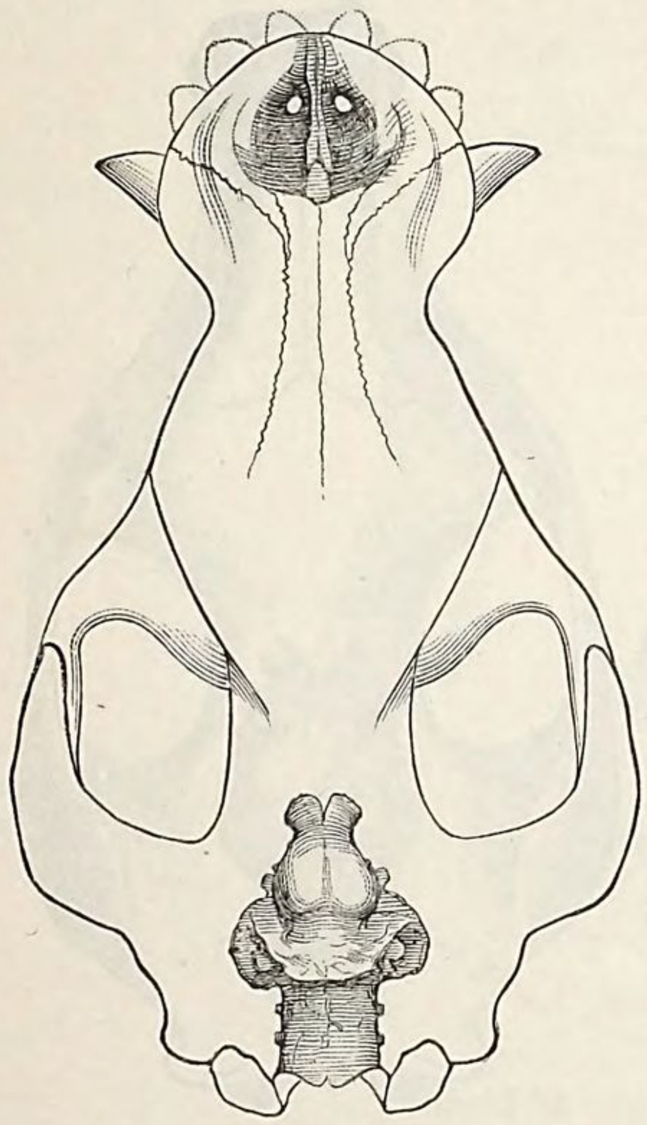

FIG. 67.

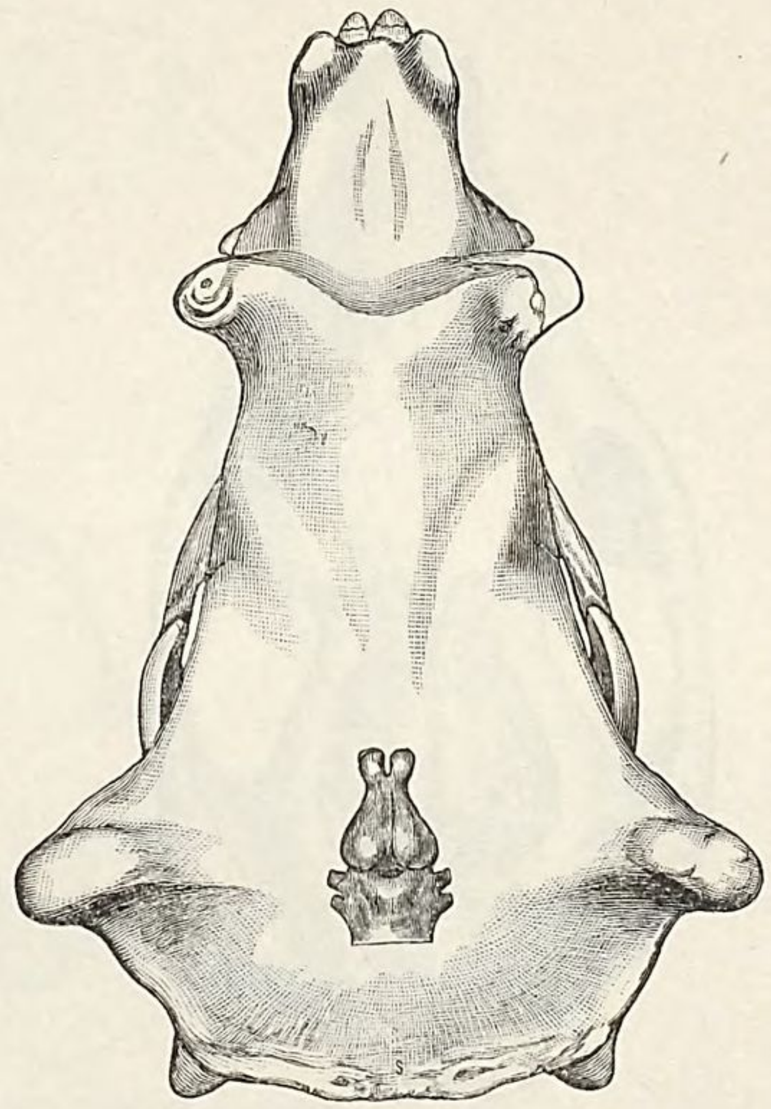

FIG. 68.

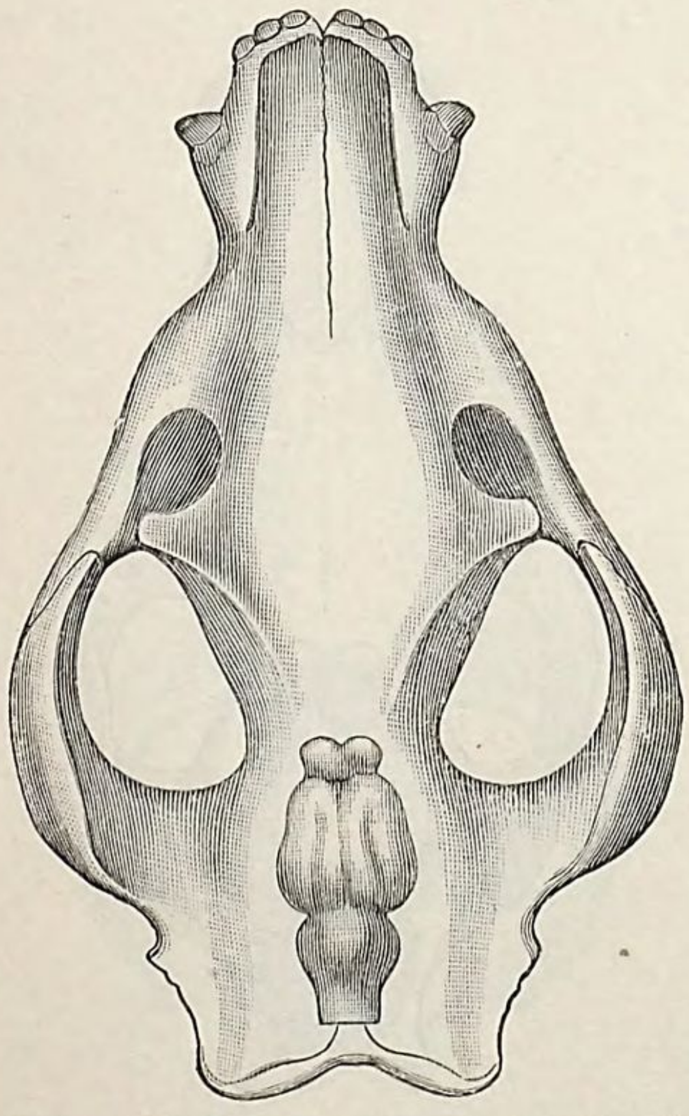

FIG. 69.

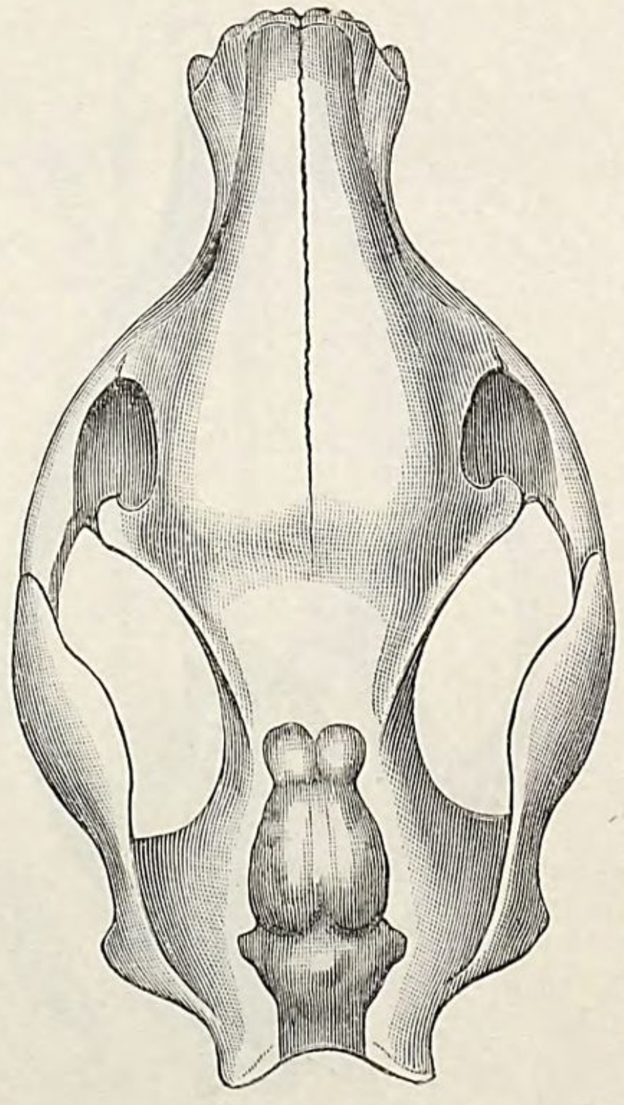

FIGURE 66.—*Coryphodon hamatus*, Marsh. Eocene.
FIGURE 68.—*Palæosyops laticeps*, Marsh. Eocene.

FIGURE 67.—*Tinoceras pugnax*, Marsh. Eocene.
FIGURE 69.—*Limnohyus robustus*, Marsh. Eocene.

FIG. 70.

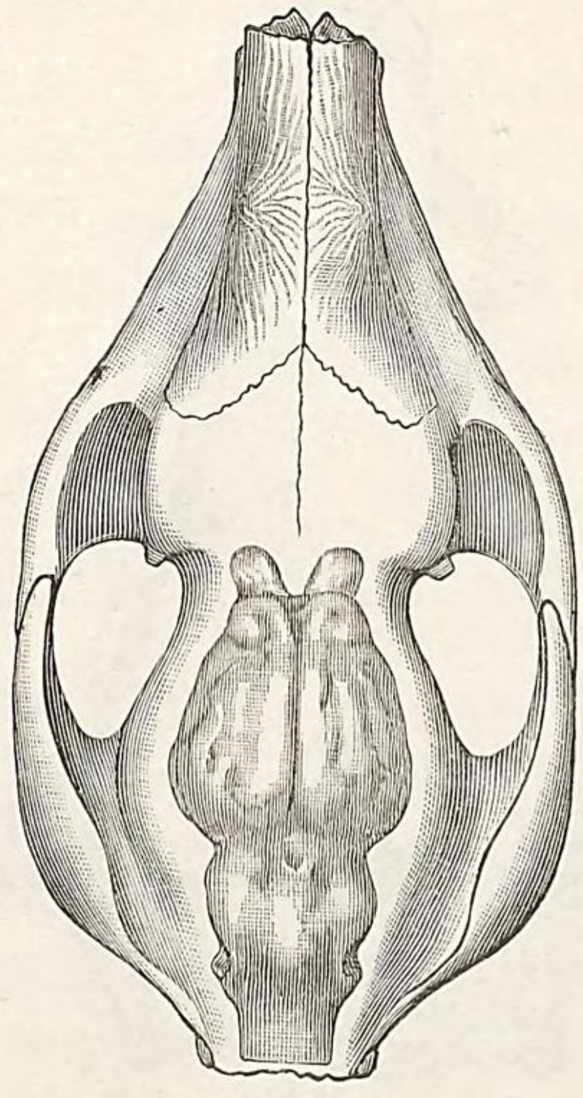

FIG. 71.

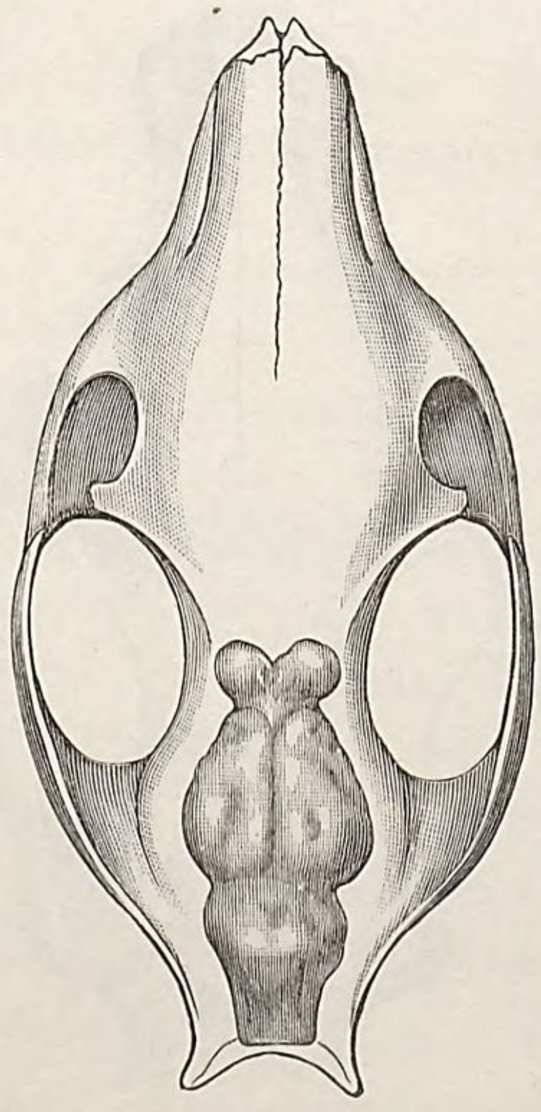

FIG. 72.

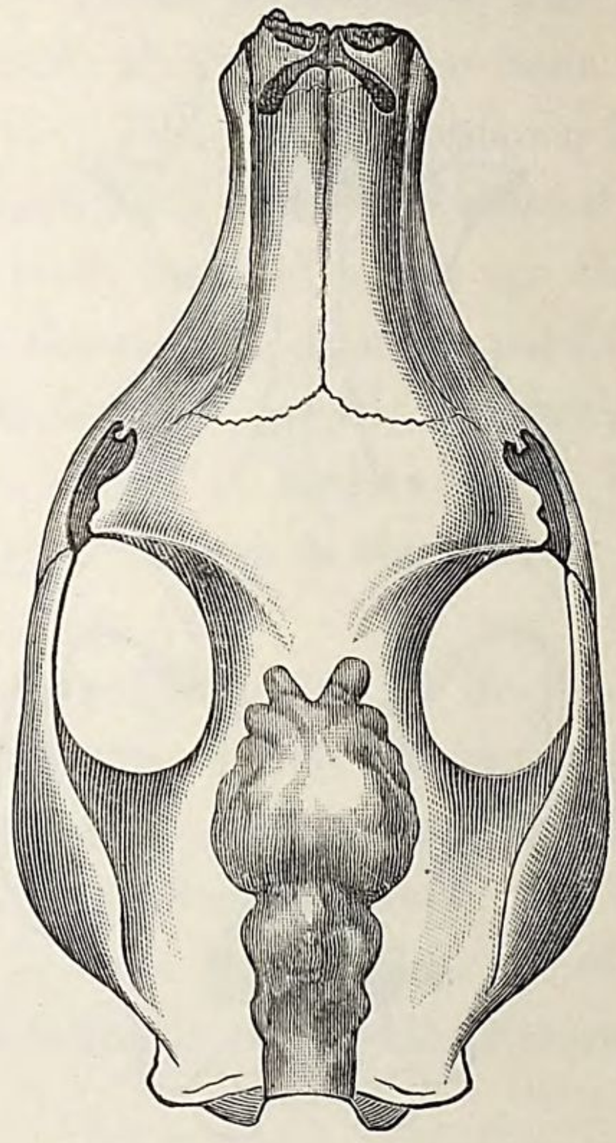

FIG. 73.

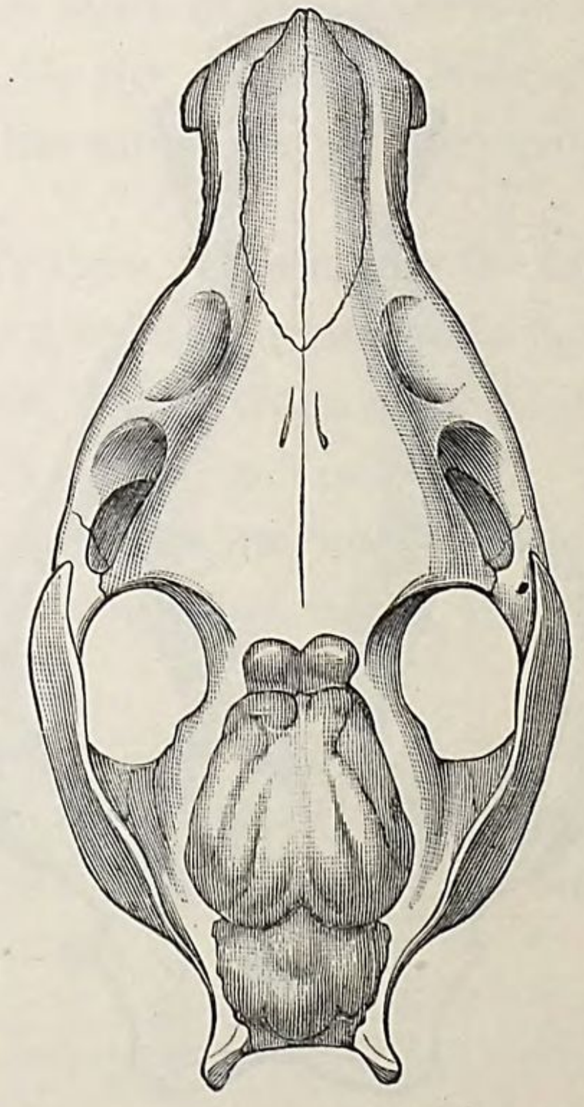

FIGURE 70.—*Colonoceras agrestis*, Marsh. Eocene.
FIGURE 71.—*Hyrachyus Bairdianus*, Marsh. Eocene.

FIGURE 72.—*Amynodon advenus*, Marsh. Eocene.
FIGURE 73.—*Eporeodon socialis*, Marsh. Miocene.

FIG. 74.

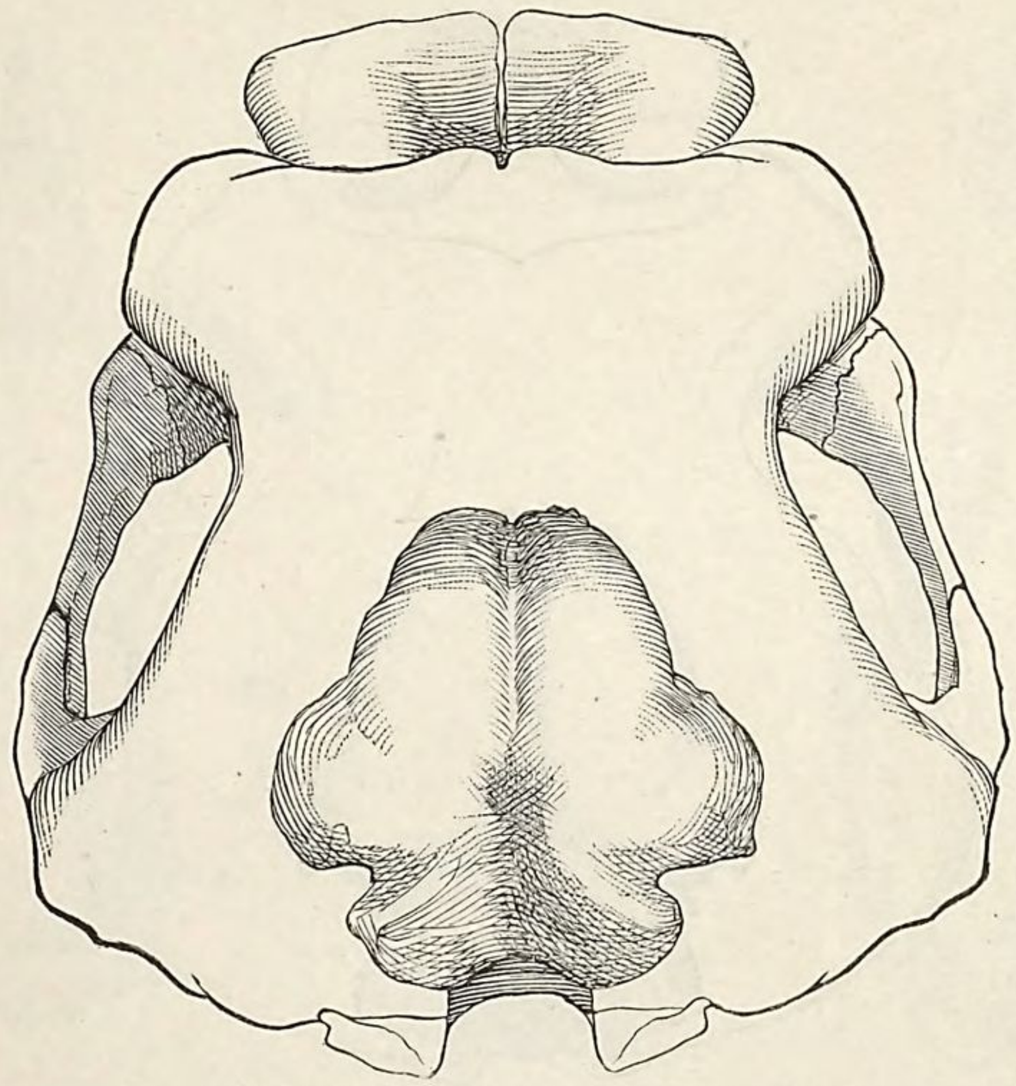

FIGURE 74.—*Mastodon Americanus*, Cuvier. Pliocene.

FIG. 75.

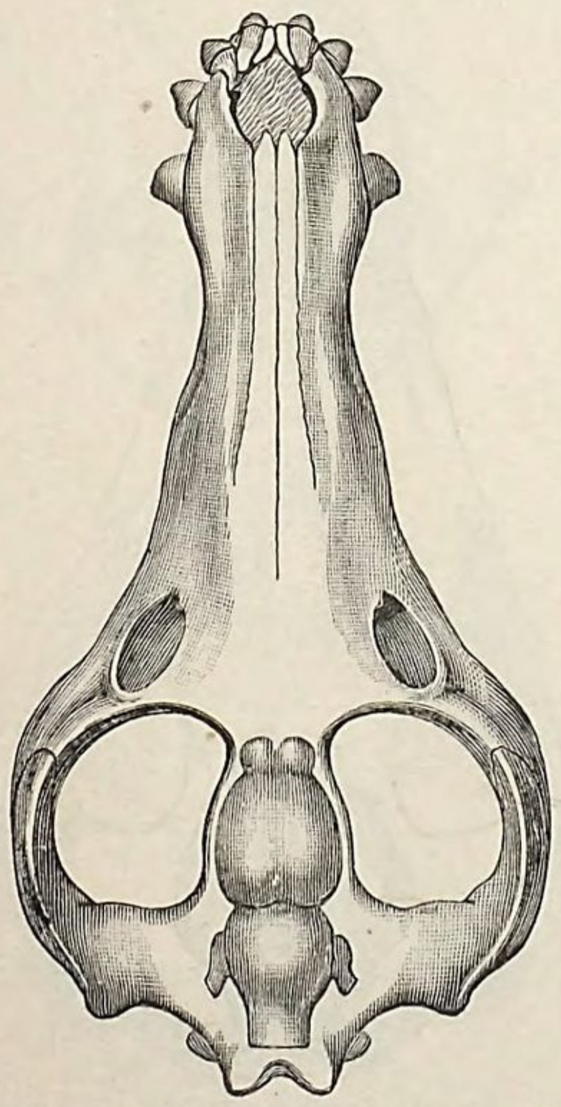

FIGURE 75.—*Elotherium crassum*, Marsh. Miocene.

FIG. 76.

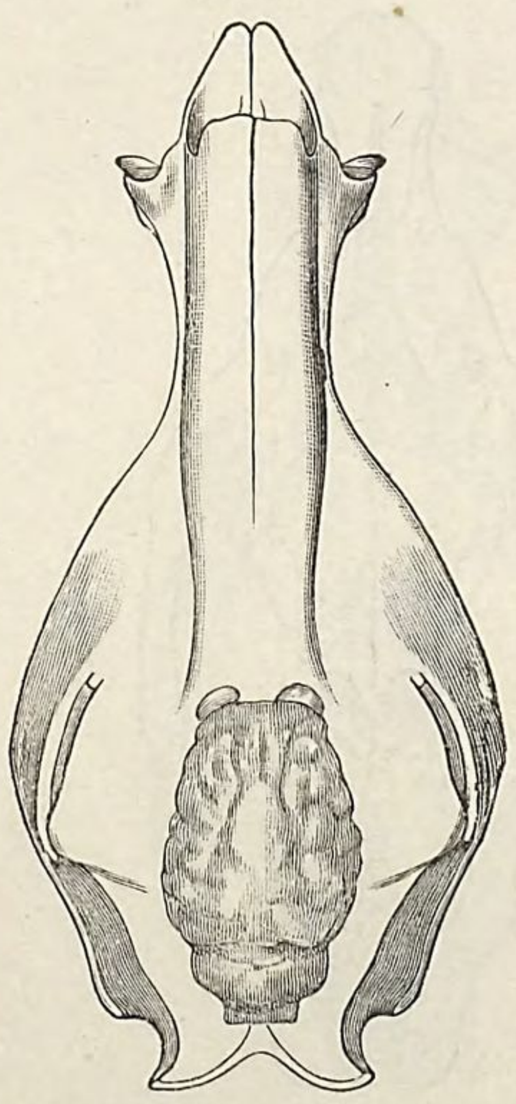

FIGURE 76.—*Platygonus compressus*, LeConte. Pliocene.

FIG. 77.

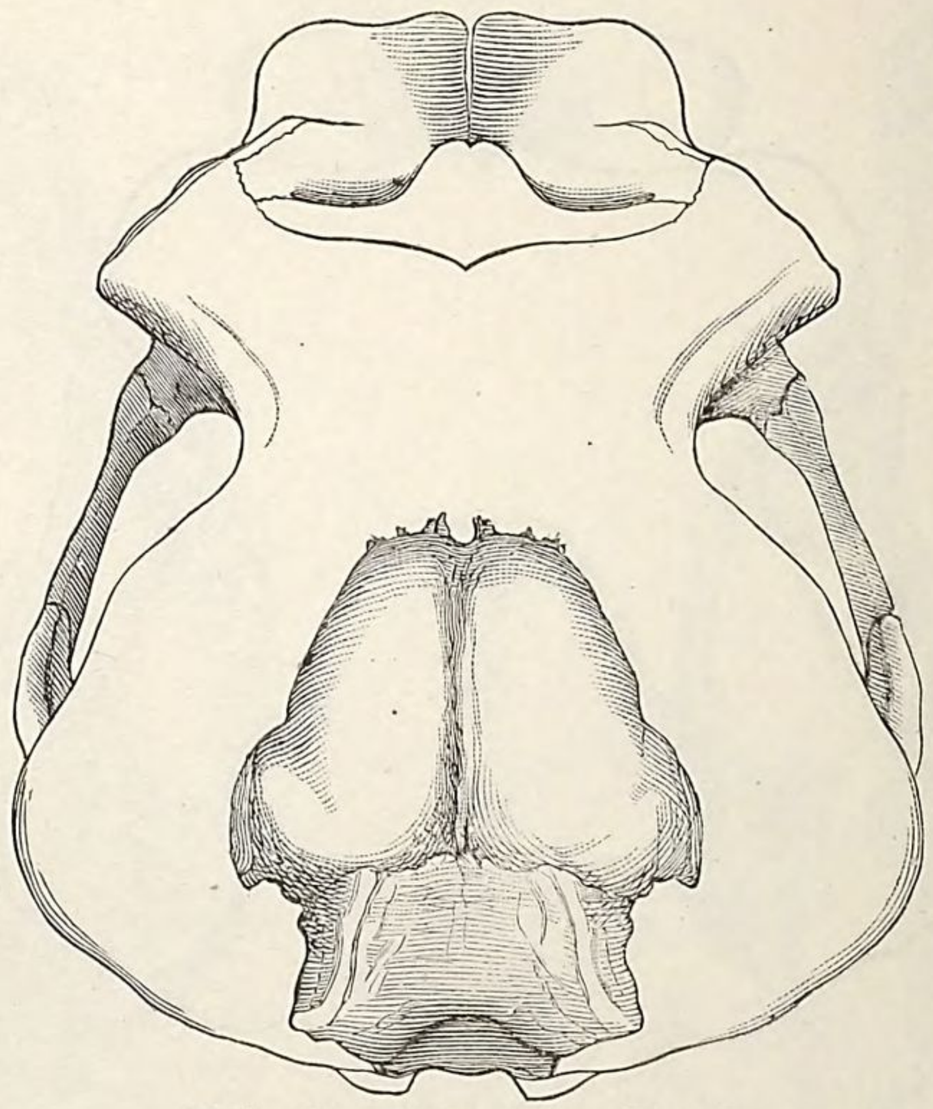

FIGURE 77.—*Elephas Indicus*, Linnæus.

FIG. 78.

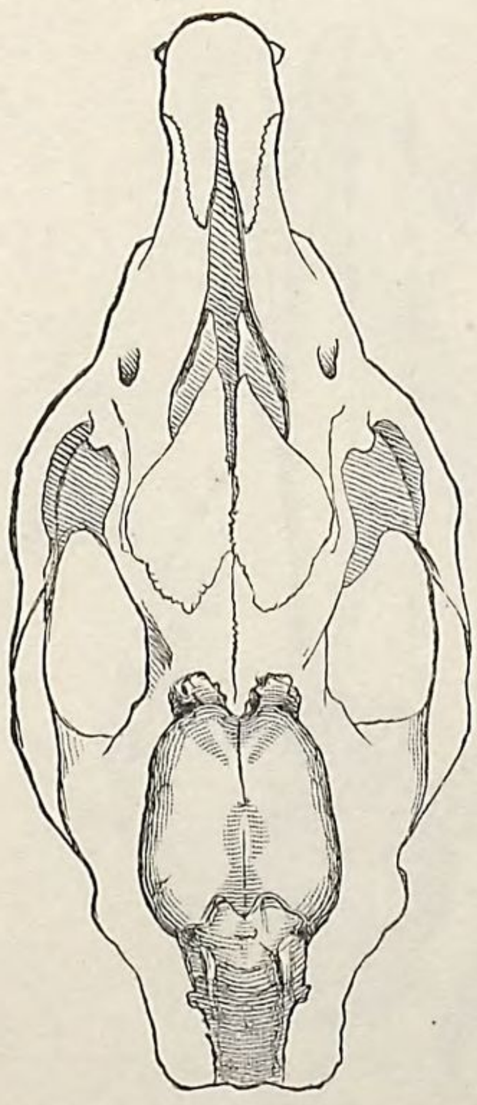

FIGURE 78.—*Tapirus terrestris*, Linnæus.

FIG. 79.

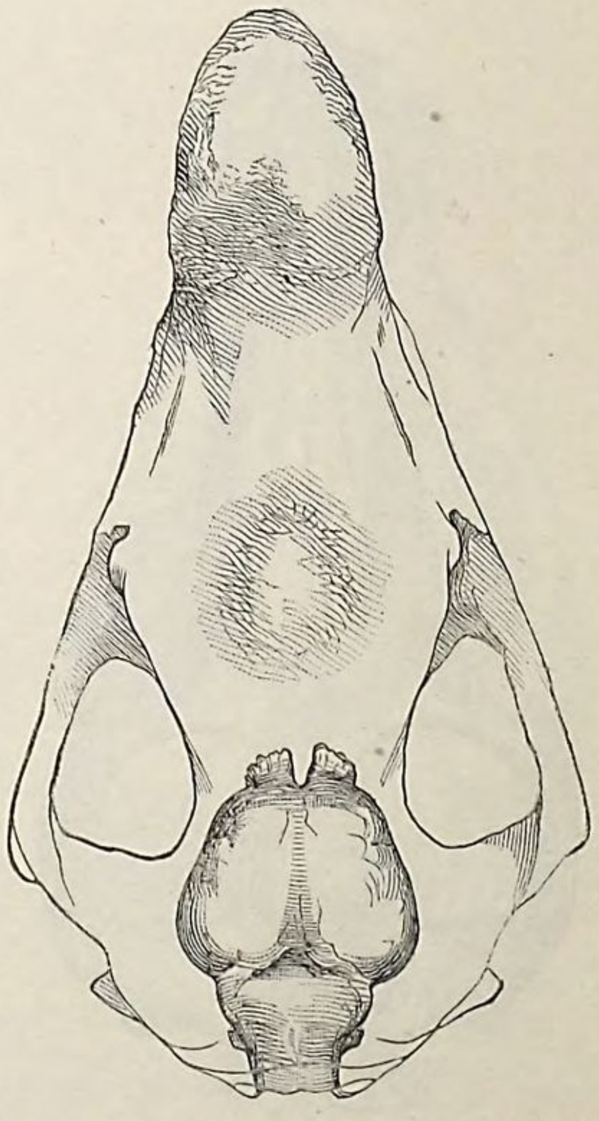

FIGURE 79.—*Rhinoceros Sumatrensis*, Cuvier.

FIG. 80.

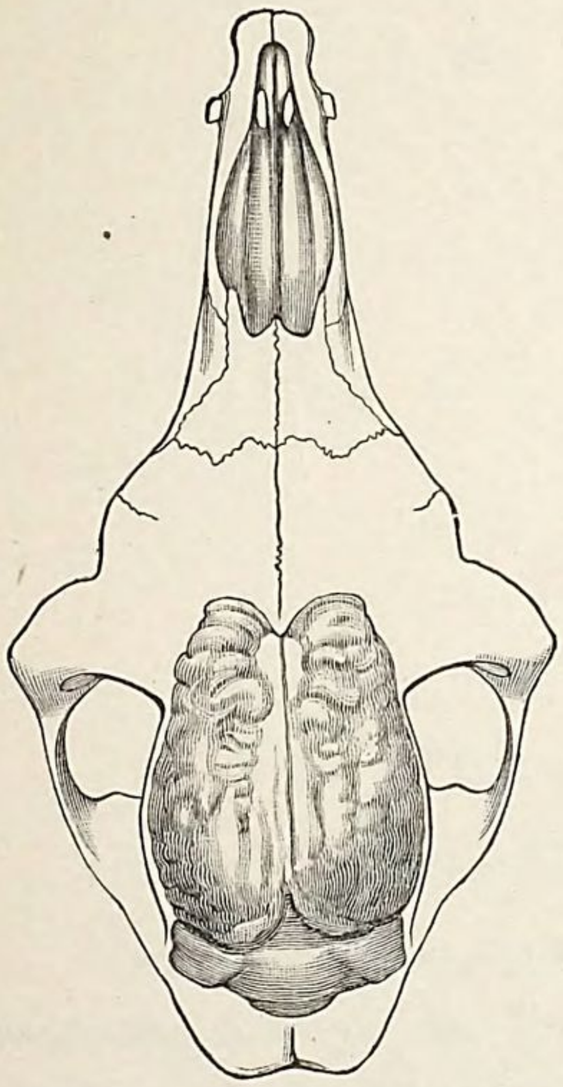

FIG. 81.

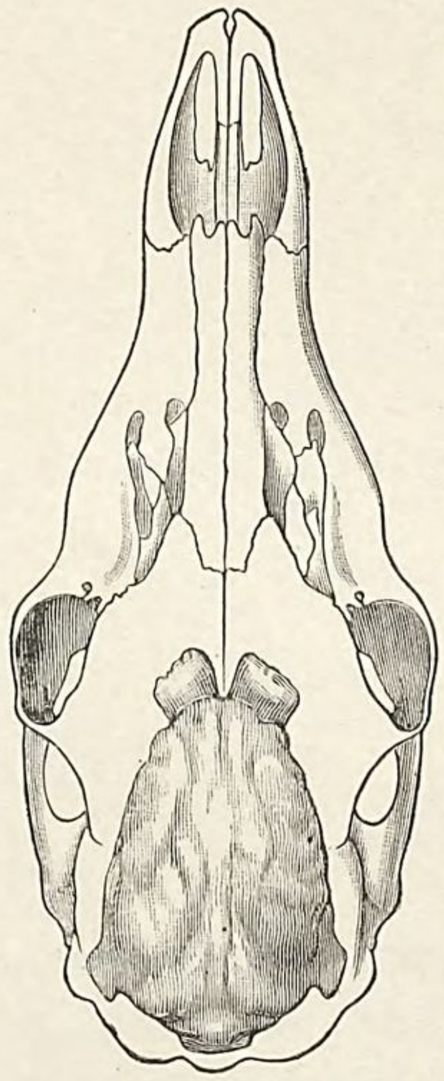

FIG. 82.

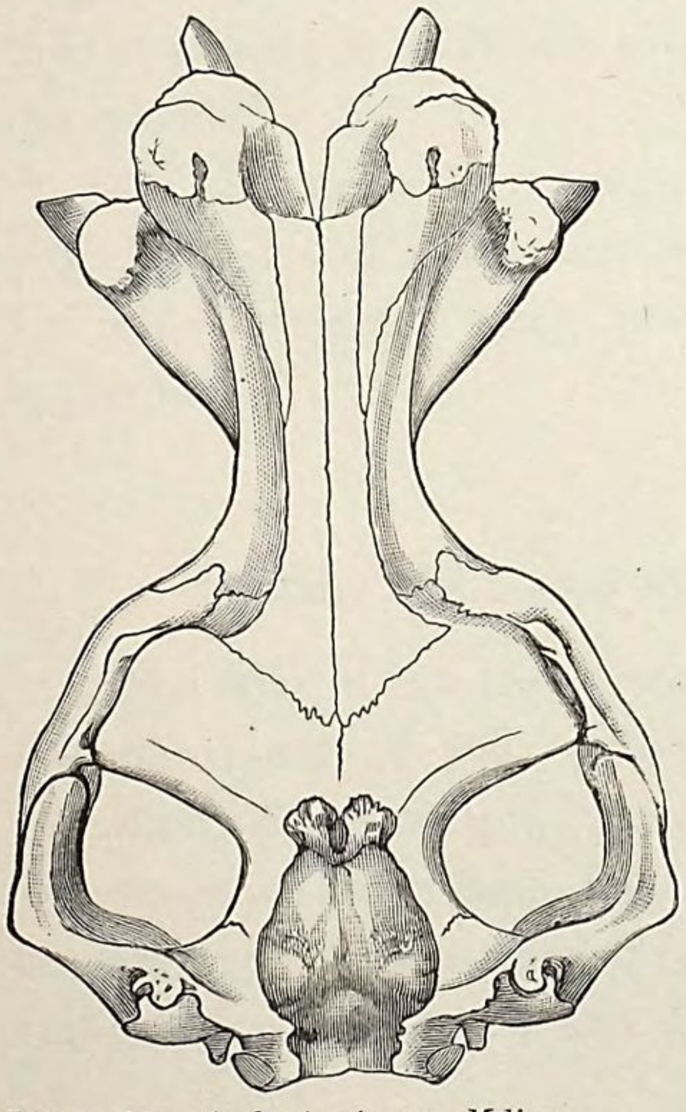

FIG. 83.

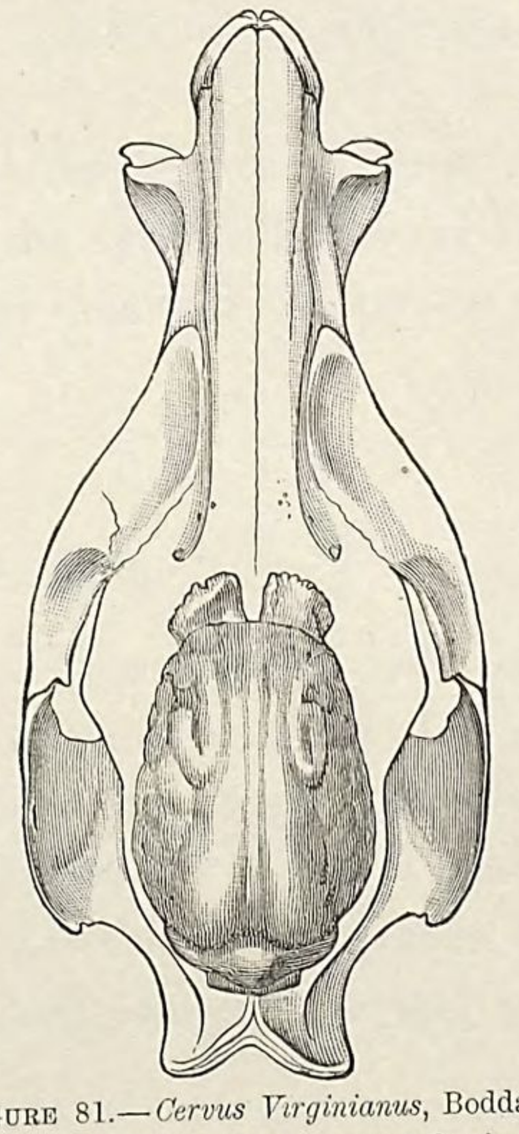

FIGURE 80.—*Auchenia vicugna, Molina.*
FIGURE 82.—*Hippopotamus amphibius*, Linnæus.

FIGURE 81.—*Cervus Virginianus*, Boddaut.
FIGURE 83.—*Dicotyles torquatus*, Cuvier.

CHAPTER V.

THE CERVICAL VERTEBRÆ.

(Plates XX, XXI, XXII, LV, and LVI.)

The cervical vertebræ of the *Dinocerata*, in their main characters, resemble those of the Proboscidians. The atlas and axis are somewhat similar to those of the elephant. The rest of the cervicals are proportionally longer. The entire neck was about one-third longer than in the elephant, thus rendering a proboscis unnecessary, as the head could readily reach the ground.

All the presacral vertebræ, behind the atlas and axis, have the articular faces of the centra nearly flat, as in the typical Proboscidians. In other respects, they present no strongly marked characters of importance.

The Atlas.

(Plate XX; and woodcuts 84, 85, and 86, below.)

The atlas in the *Dinocerata* is a massive bone, presenting the ordinary articular faces of this vertebra. The anterior pair of these, for the reception of the occipital condyles, are well separated above and below. The three posterior faces, for articulation with the second vertebra, or axis, are also widely separated from each other. All these three faces are sub-circular in outline, and the lateral ones are somewhat emarginate

along the inner side. The median facet, for articulation with the odontoid process, is flattened in front, or slightly convex in antero-posterior direction, and extends longitudinally over the greater part of the inferior arch of the atlas. Its boundaries are well marked on all sides, as are also those of the lateral faces. Hence the articulation between the atlas and axis admitted but little rotary motion to the head.

The spine of the atlas is not well marked, although the superior arch is massive, and its anterior surface is rough and tuberculated. This arch is pierced on each side anteriorly by a foramen (figure 84, *d*), the inner opening of which is just above the inner and upper angle of the condylar articular surface. Externally, this foramen is connected by a more or less evident groove with one piercing the transverse process lengthwise. This groove runs vertically down the side of the atlas, and through a deep notch in the anterior margin of the transverse process. In the tapir, this groove passes through a foramen, instead of a notch in the anterior part of the transverse process. A similar arrangement is seen in the horse, ox, sheep, camel, and in various other Ungulates.

The transverse processes of the atlas are short, and strong. They are moderately flattened, thicker and stouter behind than before, and placed obliquely, so as to slant strongly downward and backward. Anteriorly, the outer margin runs rapidly down to the lateral arch of the atlas, but is separated from it at the base of the process by the deep notch, mentioned above. Posteriorly, they are thickened and rugose. The base of each lateral process is perforated by a foramen, directed somewhat downward, and forward. The under surface of the atlas (figure 86) is smooth and even, with no rugosity to mark the median line.

The atlas of *Dinoceras mirabile* is shown in Plate XX, and that of *Tinoceras grande*, in the woodcuts below, figures 84, 85, and 86. The position of the atlas, with reference to the skull, is represented in the restorations in Plates LV and LVI.

FIG. 84.

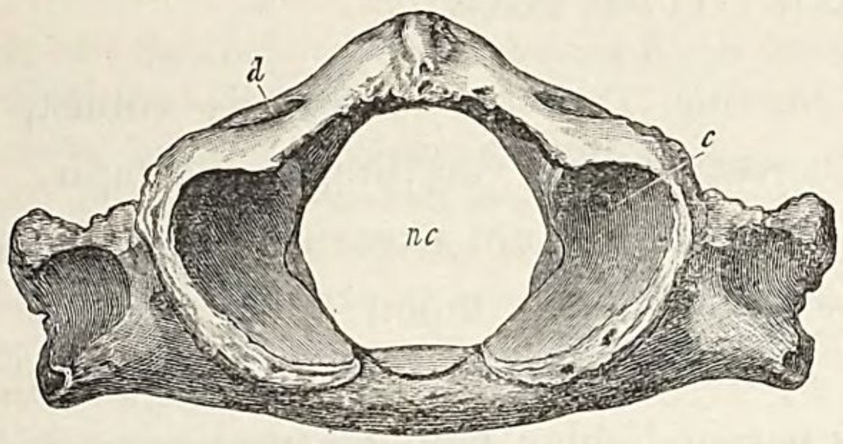

FIG. 85

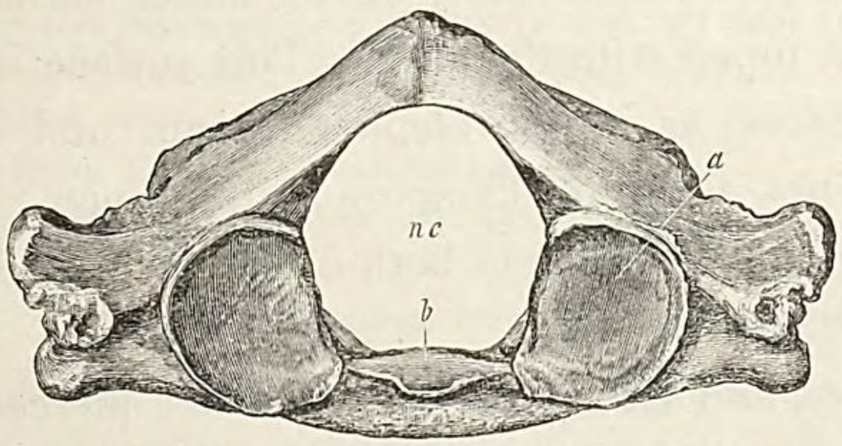

FIG. 86.

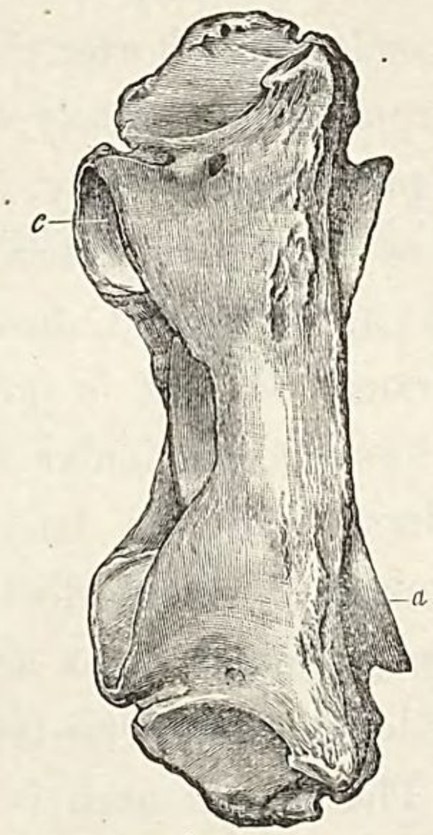

FIGURE 84.—Atlas of *Tinoceras grande*, Marsh (No. 1040); front view.
FIGURE 85.—The same vertebra; back view.
FIGURE 86.—The same vertebra; bottom view.
a. face for axis; *b*. face for odontoid process of axis; *c*. face for occipital condyle of skull; *d*. foramen in neural arch for spinal nerve; *nc*. neural canal.
All the figures are one-fourth natural size.

The following measurements give the principal dimensions of the atlas in one specimen of *Dinoceras*:

Measurements of Atlas. (*Dinoceras mirable*, No. 1251.)

	m.
Greatest transverse diameter of atlas,	.265
Greatest vertical diameter of atlas,	.142
Transverse diameter of neural canal,	.090
Vertical diameter of neural canal,	.080
Antero-posterior diameter of superior arch,	.067
Vertical diameter of superior arch,	.034
Antero-posterior diameter of inferior arch,	.149
Diameters of faces for occipital condyles,	.072–.052
Distance between faces for occipital condyles, above,	.080
Distance between faces for occipital condyles, below,	.058
Diameters of face for odontoid process,	.043–.035
Diameters of lateral faces for axis,	.063–.056
Distance between lateral faces for axis,	.065

The Axis. (Plate XXI.)

The axis in *Dinoceras mirabile* (number 1036) is robust, and proportionally shorter than the corresponding vertebra in the tapir. The centrum is moderately flattened below, but not excavated as in the tapir, and presents, medially, a tuberculation at the union of its centrum with that of the first vertebra. The odontoid process is distinctly conical, and not at all excavated above. Its perpendicular diameter, moreover, exceeds its transverse. It is pointed in front, and bears, on its under surface, a saddle-shaped articular face for union with the atlas. This surface is not confluent with the lateral surfaces, as in the elephant, tapir, and most Ungulates, but is perfectly distinct, as in the kangaroo, and in man. The lateral articular faces are moderately convex in both directions, and have their longest diameter nearly transverse.

The neural arch is massive, and its lateral walls are not pierced by foramina, agreeing, in that respect, with those of the kangaroo. On the lateral surfaces of the centrum, the vertebrarterial, or lateral, foramen was present, and circumscribed by bone. Its upper wall was much weaker than the lower, instead of subequal, as in the tapir. The neural arch is surmounted by a short and stout neural spine, low in front, and rising behind, though less rapidly than in the tapir, and becoming rather indistinctly bifid at the top. The neural spine is deeply excavated behind.

The posterior zygapophyses are robust, slightly convex, and look more downward than outward, and only slightly backward. The posterior face of the centrum is transverse, and broadly oval in outline. The floor of the neural canal is flattened, and presents a number of vascular foramina leading into the centrum.

The transverse processes of this specimen are imperfectly preserved, but were evidently pierced, above the middle, by a large lateral foramen. The processes appear to have been directed rather less strongly backward than in the tapir.

The principal dimensions of the axis in three specimens of *Dinoceras* are as follows:

Measurements of Axis. (*Dinoceras mirabile*, No. 1036.)

	m.
Length of axis, on floor of neural canal (approximate),	.150
Length of odontoid process,	.056
Transverse diameter of odontoid process,	.035
Vertical diameter of odontoid process,	.052
Transverse diameter of anterior articular face,	.068
Vertical diameter of anterior articular face,	.065
Transverse diameter of vertebra, across anterior articular faces,	.148
Transverse diameter of neural canal,	.053
Vertical diameter of neural canal,	.042
Transverse diameter of vertebra, across post-zygapophyses,	.122
Transverse diameter of posterior face of centrum,	.093
Vertical diameter of posterior face of centrum,	.072
Height of axis, to top of neural spine,	.175
Transverse diameter of neural spine,	.048
Antero-posterior diameter of neural spine,	.085

Measurements of Axis. (*Dinoceras mirabile*, No. 1255.)

	m.
Length of axis, on floor of neural canal (approximate),	.125
Length of centrum, along under surface,	.140
Length of odontoid process, from lateral articular faces,	.045
Transverse diameter of odontoid process,	.037
Vertical diameter of odontoid process,	.038
Transverse diameter of articular face of odontoid process,	.035
Antero-posterior diameter of articular face of odontoid process,	.042
Transverse diameter of neural canal,	.039
Vertical diameter of lateral foramen,	.012

Measurements of Axis. (*Dinoceras lucare*, No. 1038.)

	m.
Total length of axis,	.170
Length, from end of odontoid process to end of neural canal,	.148
Transverse diameter of odontoid process,	.035
Vertical diameter of odontoid process,	.046
Greatest diameter of anterior articular face,	.070
Transverse diameter, across anterior articular faces,	.142
Antero-posterior diameter of face on odontoid process,	.044
Transverse diameter of face on odontoid process,	.033
Distance between antero-lateral articular faces,	.050
Transverse diameter of centrum, behind faces,	.125
Transverse diameter, across post-zygapophyses,	.115
Transverse diameter of posterior face of centrum,	.093
Vertical diameter of posterior face of centrum,	.080
Diameters of lateral foramen,	.013–.020
Diameters of neural canal (approximate),	.040–.050

The Third Vertebra. (Plate XXII, figures 1–5.)

The third cervical of *Dinoceras mirabile* (number 1036) is shown in Plate XXII, figures 1–5. This vertebra, in the type specimen, is not in a good state of preservation, but represents fairly the main characters of the third cervical in this genus.

The pre-zygapophyses are somewhat concave, to fit the convex post-zygapophyses of the axis. The neural canal is large, and the arch above it is only moderately developed, and without a spine. The lateral, or vertebrarterial, foramen is oval in outline, and is protected by a strong transverse process. The under surface of the centrum is marked by a median longitudinal keel, as shown in figures 3 and 5.

The third cervical vertebra of *Dinoceras mirabile* (number 1255) is short, and the articular faces of the centrum are both somewhat concave. The anterior face is slightly less excavated than the posterior. The length of the centrum is less than its vertical diameter, and the latter is greater than the transverse diameter. The epiphyses are incompletely ossified, and only imperfectly united to the centrum. These general characters apply also to the remaining cervical vertebræ.

The principal dimensions of the third vertebra in one specimen of *Dinoceras* are as follows:

Measurements of Third Cervical Vertebra. (*Dinoceras mirabile*, No. 1255.)

	m.
Length of floor of neural canal (approximate),	.055
Length of centrum, along under surface,	.058
Vertical diameter of posterior epiphysis,	.078
Antero-posterior extent of zygapophyses,	.092
Diameter of lateral foramen (approximate),	.020

The Fourth Vertebra. (Woodcuts 87 and 88, below.)

The fourth cervical vertebra in *Dinoceras* resembles, in its main characters, the one last described. The pre-zygapophyses are nearly flat. The neural canal is somewhat smaller. The process to protect the lateral foramen is more strongly developed, and the under surface of the centrum is without a distinctly marked keel.

The fourth vertebra in *Tinoceras grande* is similar, in its more important characters, although proportionally shorter, and its principal features are well shown in figures 87 and 88, below.

FIG. 87.

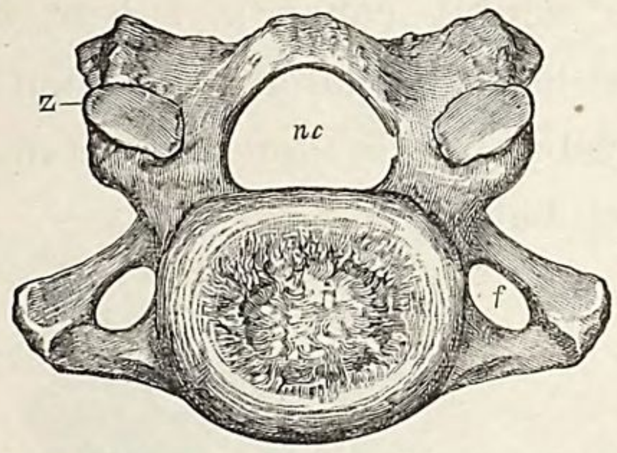

FIG. 88.

FIGURE 87.—Fourth cervical vertebra of *Tinoceras grande*, Marsh (No. 1040); front view.
FIGURE 88.—The same vertebra; side view.
f. lateral foramen; *nc.* neural canal; *z.* anterior zygapophysis; *z'.* posterior zygapophysis.
Both figures are one-fourth natural size.

The main dimensions of the fourth vertebra in one species each of *Dinoceras* and *Tinoceras* are given below.

Measurements of Fourth Cervical Vertebra. (*Dinoceras mirabile*, No. 1255.)

	m.
Length of floor of neural canal,	.055
Length of centrum, along under surface,	.054
Transverse diameter of anterior epiphysis,	.079
Vertical diameter of anterior epiphysis,	.075
Transverse diameter of posterior epiphysis,	.091
Vertical diameter of posterior epiphysis,	.075
Antero-posterior extent of zygapophyses,	.089
Diameter of lateral foramen,	.024
Transverse diameter of neural canal,	.043

Measurements of Fourth Cervical Vertebra. (*Tinoceras grande*, No. 1040.)

	m.
Length of floor of neural canal,	.042
Length of centrum, on under surface of vertebra,	.045
Transverse diameter of anterior face,	.100
Vertical diameter of anterior face,	.094
Transverse diameter of neural canal,	.055
Vertical diameter of neural canal,	.040
Diameters of lateral foramen,	.025–.015

THE FIFTH VERTEBRA. (Woodcuts 89 and 90, below.)

In the fifth cervical vertebra of *Dinoceras mirabile* (number 1255), the centrum is nearly round. The articular faces are distinctly concave, especially the posterior one. The neural canal is sub-triangular in transverse section. The arch to protect the lateral foramen is more depressed than in the preceding vertebra. The more important features of this vertebra are shown in figure 89, below.

FIG. 89.

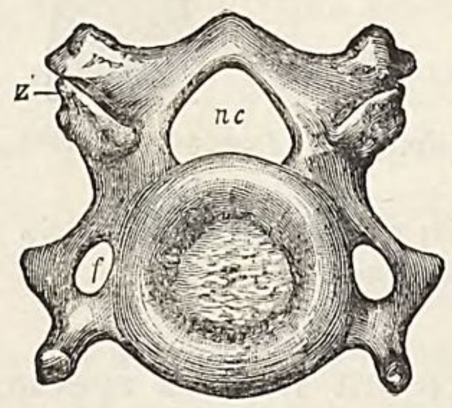

FIG. 90.

FIGURE 89.—Fifth cervical vertebra of *Dinoceras mirabile*, Marsh (No. 1255); front view.
FIGURE 90.—The same vertebra; side view.
f. lateral foramen; *nc.* neural canal; *z.* anterior zygapophysis; *z'.* posterior zygapophysis.
Both figures are one-fourth natural size.

The principal measurements of the fifth vertebra in this specimen of *Dinoceras mirabile* are the following:

Measurements of Fifth Cervical Vertebra. (*Dinoceras mirabile*, No. 1255.)

	m.
Length of floor of neural canal,	.052
Length of centrum, along under surface,	.055
Transverse diameter of neural canal,	.046
Vertical diameter of neural canal,	.035
Transverse diameter of anterior epiphysis,	.079
Vertical diameter of anterior epiphysis,	.074
Transverse diameter of posterior epiphysis,	.089
Vertical diameter of posterior epiphysis,	.080
Antero-posterior extent of zygapophyses,	.083
Transverse diameter, across pre-zygapophyses,	.120
Transverse diameter, across post-zygapophyses,	.123
Diameter of lateral foramen (approximate),	.020

The Sixth Vertebra. (Woodcuts 91–94, below.)

The sixth cervical vertebra of *Dinoceras mirabile* (number 1255) has the articular faces of the centrum more transverse than in the preceding vertebra. The neural canal is sub-cordate in outline, and the transverse processes, to protect the lateral foramen, are more strongly developed than in the vertebra last described.

Fig. 91.

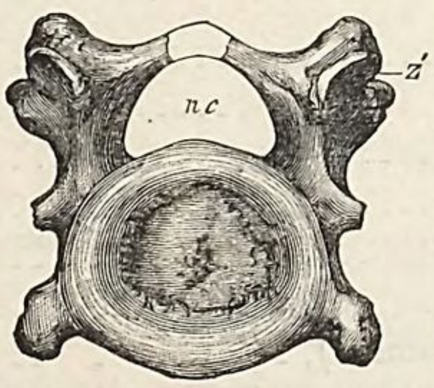

Fig. 92.

Figure 91.—Sixth cervical vertebra of *Dinoceras mirabile*, Marsh (No. 1255); back view.
Figure 92.—The same vertebra; side view.
nc. neural canal; *z.* anterior zygapophysis; *z'.* posterior zygapophysis.
Both figures are one-fourth natural size.

Fig. 93.

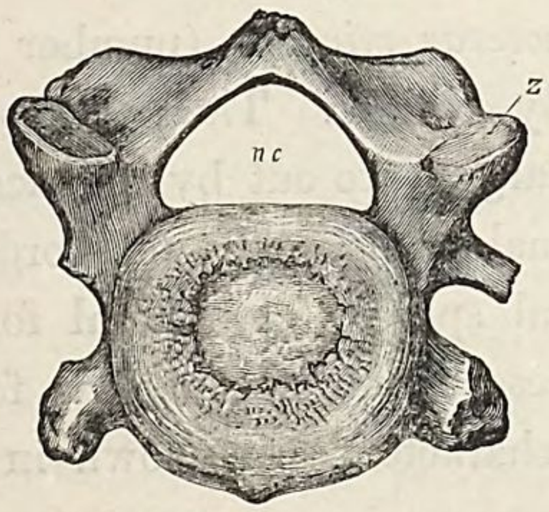

Fig. 94.

Figure 93.—Sixth cervical vertebra of *Dinoceras cuneum*, Marsh (No. 1042); front view.
Figure 94.—The same vertebra; side view.
nc. neural canal; *z.* anterior zygapophysis; *z'.* posterior zygapophysis.
Both figures are one-fourth natural size.

In the sixth vertebra of *Dinoceras cuneum*, there is a distinct neural spine, and the centrum is slightly quadrate in outline, as shown in figure 93. The latter is shorter than in the corresponding vertebra of *Dinoceras mirabile*, as seen by a comparison of figures 92 and 94.

Measurements of the sixth cervical vertebra in two individuals of *Dinoceras* are as follows:

Measurements of Sixth Cervical Vertebra. (*Dinoceras mirabile*, No. 1255.)

	m.
Length of floor of neural canal,	.049
Length of centrum, along under surface,	.055
Transverse diameter of neural canal,	.051
Vertical diameter of anterior epiphysis,	.076
Transverse diameter of posterior epiphysis,	.088
Vertical diameter of posterior epiphysis,	.078
Antero-posterior extent of zygapophyses,	.087

Measurements of Sixth Cervical Vertebra. (*Dinoceras cuneum*, No. 1042.)

	m.
Transverse diameter of centrum,	.111
Length of centrum, along under surface,	.053
Transverse diameter of neural canal,	.071
Vertical diameter of neural canal (approximate),	.044
Transverse diameter of anterior face of centrum,	.100
Vertical diameter of anterior face of centrum,	.092
Diameter of vertebra, across pre-zygapophyses (approximate),	.170
Diameters of lateral foramen,	.022–.034
Antero-posterior diameter of pedicel,	.026

The Seventh Vertebra. (Plate XXII, figures 6–10.)

The seventh cervical vertebra of *Dinoceras mirabile* (number 1255) has the anterior face of the centrum nearly circular. The posterior face is expanded transversely, and its lateral margins are cut by the facets for the head of the first rib. The neural canal is distinctly sub-cordate in outline, and there is a rudimentary neural spine. The lateral foramen has disappeared, but the transverse process is notched below for the passage of the vertebral artery. These characters are shown in Plate XXII, figures 8 and 10.

Measurements of Seventh Cervical Vertebra. (*Dinoceras mirabile*, No. 1255.)

	m.
Length of floor of neural canal,	.046
Length of centrum, along under surface,	.051
Transverse diameter of neural canal,	.061
Vertical diameter of neural canal (approximate),	.046
Transverse diameter of anterior articular face (approximate),	.076
Transverse diameter of posterior articular face (approximate),	.075
Antero-posterior extent of zygapophyses,	.084
Diameters of articulation for first rib,	.022–.035
Diameter, across transverse processes (approximate),	.185

CHAPTER VI.

THE DORSO-LUMBAR VERTEBRÆ.

(Plates XXIII, XXIV, XXV, XXVI, LV and LVI.)

The trunk vertebræ in the *Dinocerata* are proportionally longer than those in the cervical region. The articular faces of the centra are likewise nearly flat, the most of them being distinctly concave. The epiphyses are usually loosely united to the centra, and thin, or imperfectly ossified, near the center. The number of trunk vertebræ in *Dinoceras* was apparently twenty-three.

The First Dorsal Vertebra. (Woodcuts 95–98, below.)

The first dorsal vertebra in *Dinoceras mirabile* (number 1255) has a slender, but elevated, neural spine, as shown in figure 95, below. It is distinguished from the adjoining elements of the column by the presence of elevated and oblique pre-zygapophyses, for articulation with the last cervical. These processes are much farther apart than the post-zygapophyses, and look obliquely upward, inward, and slightly backward, while the latter look almost directly downward. The pedicels of this vertebra stand mostly on the anterior half of the centrum. They are about twice as great in transverse as in antero-posterior diameter, and are directed well outward. The laminæ form a much greater proportion of the neural arch than in the tapir, and are depressed at the middle, giving a somewhat triangular outline to the large neural canal. The epiphyses in this specimen are unossified for more than half their diameter, and imperfectly united to the cent[illegible]

The transverse processes are short, and strongly tuberculated at the end. The articular surfaces for the heads of the first and second ribs are of about equal size, and sub-oval in outline. They are approximate at the sides of the centrum, being separated from each other by less than half their diameter. The face for the tubercular articulation of the first rib is of moderate size, oval in outline, concave from before backward, and much less so transversely. These articulations are about on a level with the floor of the neural canal, instead of below it, as in the tapir.

FIG. 95.

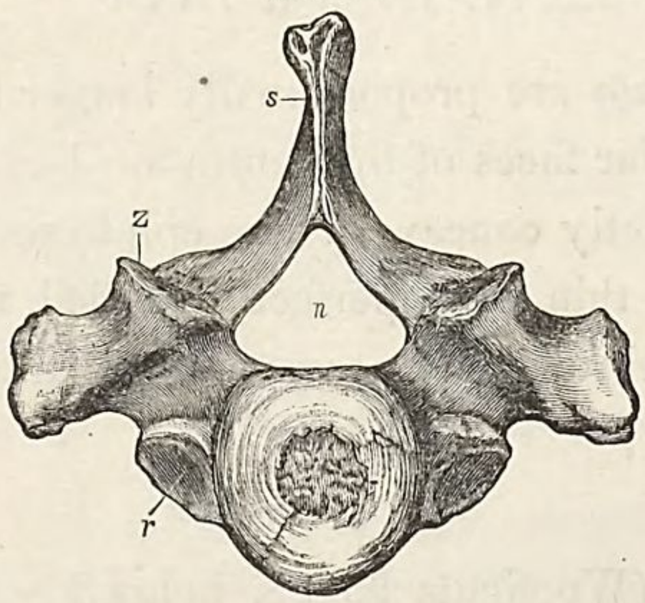

FIG. 96.

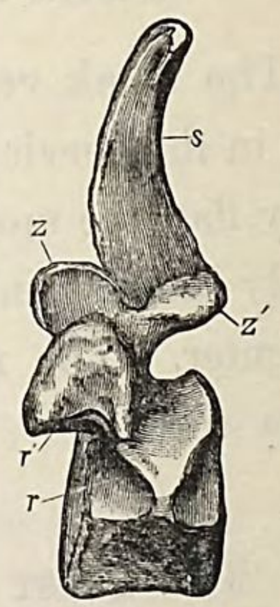

FIGURE 95.—First dorsal vertebra of *Dinoceras mirabile*, Marsh (No. 1212); front view.
FIGURE 96.—The same vertebra; side view.
n. neural canal; *r.* face for head of rib; *r′.* face for tubercle of rib; *s.* neural spine; *z.* anterior zygapophysis; *z′.* posterior zygapophysis.
Both figures are one-fourth natural size.

FIG. 97.

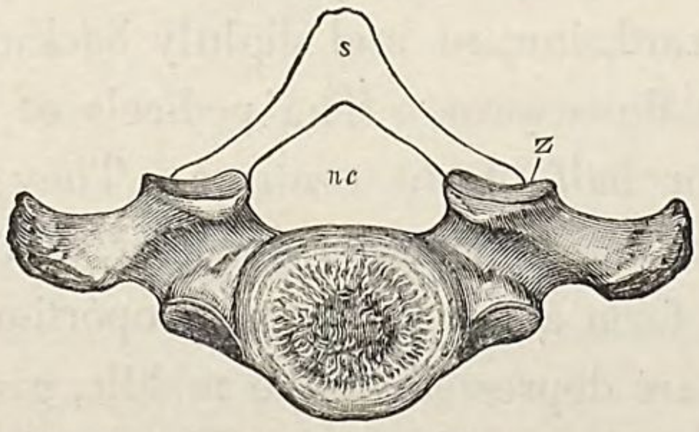

FIG. 98.

FIGURE 97.—First dorsal vertebra of *Tinoceras anceps*, Marsh (No. 1030); front view.
FIGURE 98.—The same vertebra; side view.
nc. neural canal; *z.* anterior zygapophysis; *z′.* posterior zygapophysis; *s.* neural spine.
Both figures are one-fourth natural size.

The first dorsal in the type specimen of *Tinoceras anceps* (number 1030) is shown in figures 97 and 98, on page 80. In other specimens of *Tinoceras*, this vertebra presents the same general characters.

The principal dimensions of a first dorsal vertebra of *Dinoceras*, and of this vertebra in the type specimen of *Tinoceras*, are given below.

Measurements of First Dorsal Vertebra. (*Dinoceras mirabile*, No. 1255.)

	m.
Length of centrum, along floor of neural canal,	.048
Length of centrum, along inferior surface,	.058
Vertical diameter of anterior face of centrum,	.072
Transverse diameter of anterior face of centrum,	.075
Vertical diameter of posterior face of centrum,	.073
Transverse diameter of posterior face of centrum,	.073
Vertical diameter of neural canal,	.046
Transverse diameter of neural canal,	.065
Greatest diameter, across transverse processes,	.210
Diameter of pre-zygapophyses,	.030
Distance across pre-zygapophyses,	.140
Diameter of post-zygapophyses,	.031
Distance across post-zygapophyses,	.115
Diameters of anterior face for head of rib,	.030–.038
Diameters of posterior face for head of rib,	.027–.037
Diameters of face for tubercle of rib,	.025–.032
Transverse diameter of pedicel,	.044
Antero-posterior diameter of pedicel,	.022
Distance between faces for head of rib,	.015

Measurements of First Dorsal Vertebra. (*Tinoceras anceps*, No. 1030.)

	m.
Length of floor of neural canal,	.056
Length of centrum, along under surface,	.056
Transverse diameter of anterior face of centrum,	.070
Vertical diameter of anterior face of centrum (approximate),	.063
Transverse diameter of posterior face of centrum,	.080
Vertical diameter of posterior face of centrum,	.066
Transverse diameter of neural canal,	.068
Vertical diameter of neural canal (approximate),	.037
Diameters of anterior capitular face,	.031–.035
Diameters of posterior capitular face,	.033–.040
Antero-posterior diameter of pedicel,	.030
Transverse diameter of pedicel,	.029
Diameter of vertebra, across transverse processes,	.175

The Second Dorsal Vertebra.

(Plate XXIII; and woodcuts 99–100, below.)

The second dorsal vertebra in *Dinoceras mirabile* (number 1255) is especially distinguished from the one last described by the neural spine, which is massive, and more inclined backward. The neural canal is sub-triangular in outline. The pre-zygapophyses are much smaller, less elevated, and look more directly upward. The centrum is somewhat longer than that of the first dorsal, and more expanded transversely. This vertebra is represented in Plate XXIII.

The second dorsal vertebra of *Dinoceras mirabile* (number 1212) has the neural spine still more massive, the neural canal more expanded transversely, and the articular faces of the centrum more nearly circular, as shown in figures 99 and 100, below.

In the genus *Tinoceras*, the second dorsal presents the same general features as in the vertebra above described.

Fig. 99.

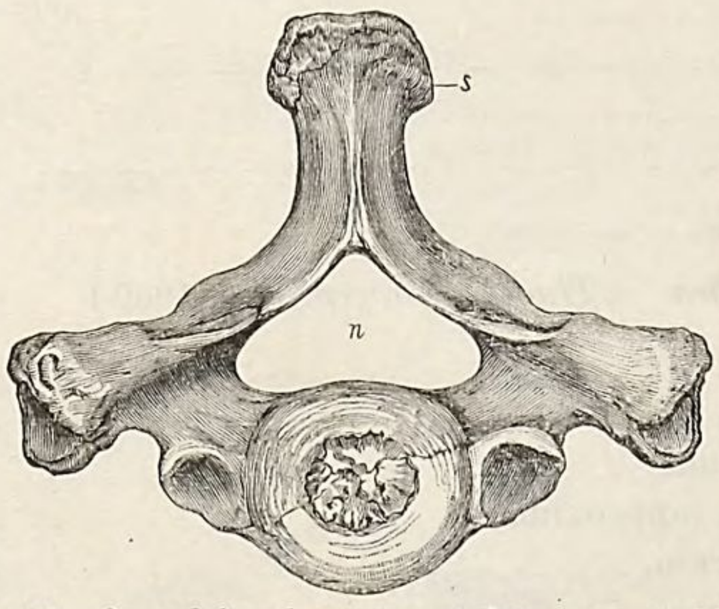

Fig. 100

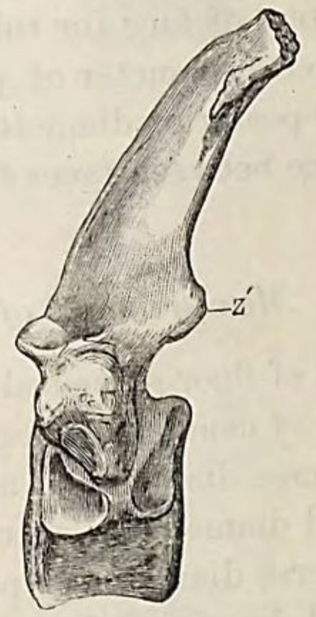

Figure 99.—Second dorsal vertebra of *Dinoceras mirable*, Marsh (No. 1212); front view.
Figure 100.—The same vertebra; side view.
n. neural canal; *s*. neural spine; *z'*. posterior zygapophysis.
Both figures are one-fourth natural size.

The more important measurements of the second dorsal vertebra of one specimen of *Dinoceras* are as follows:

Measurements of Second Dorsal Vertebra. (*Dinoceras mirabile*, No. 1255.)

	m.
Length of centrum, along floor of neural canal,	.048
Length of centrum, along under surface,	.060
Transverse diameter of anterior face of centrum,	.073
Vertical diameter of anterior face of centrum,	.075
Transverse diameter of posterior face of centrum,	.075
Vertical diameter of posterior face of centrum,	.070
Transverse diameter of neural canal,	.065
Vertical diameter of neural canal,	.057
Diameters of anterior capitular face,	.029–.033
Diameters of posterior capitular face,	.029–.040
Antero-posterior diameter of pedicel,	.025
Transverse diameter of pedicel,	.040
Diameter of vertebra, across transverse processes,	.200
Diameter of vertebra, across post-zygapophyses,	.080
Least transverse diameter of neural spine,	.035

The Third Dorsal Vertebra. (Woodcuts 101 and 102, below.)

The third dorsal vertebra in the genera *Dinoceras* and *Tinoceras* differs from the vertebra in front of it, in having the neural spine less robust, and the transverse processes, and the faces for the heads of the ribs on the centrum, more elevated. The centrum itself is less expanded transversely, and its length is greater.

Fig. 101.

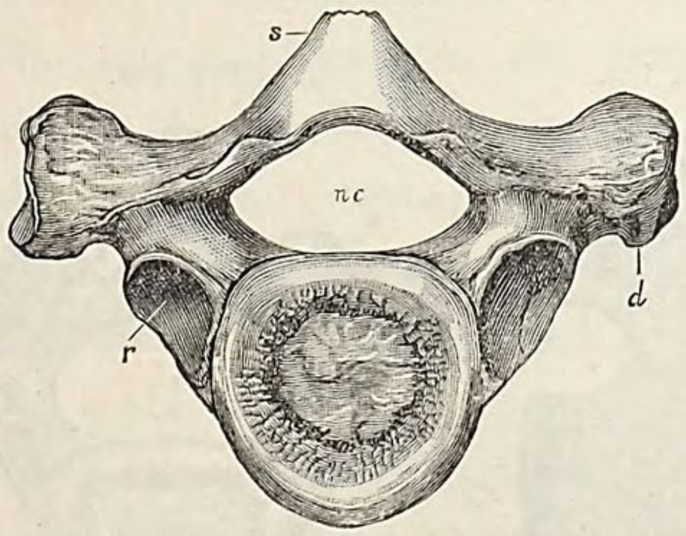

Fig. 102.

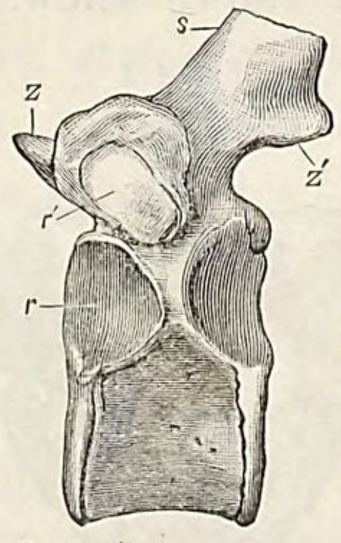

Figure 101.—Third dorsal vertebra of *Uintatherium segne*, Marsh (No. 1194); front view.

Figure 102.—The same vertebra; side view.

d. transverse process; *nc.* neural canal; *r.* face for head of rib; *r'.* face for tubercle of rib; *s.* neural spine.

Both figures are one-fourth natural size.

The third dorsal in *Uintatherium segne* (number 1194) shows essentially the same characteristics, and is represented in figures 101 and 102, above.

The Median and Posterior Dorsal Vertebræ.

(Plate XXIV; and woodcuts 103–105, below.)

In the dorsal vertebræ of *Dinoceras*, behind the third, the neural spine gradually becomes shorter and weaker, and the neural canal, transversely oval in outline. The transverse processes are more elevated, and shorter. The centrum becomes more compressed below, so that the articular faces are sub-triangular in outline, as shown in Plate XXIV, figure 2.

In the posterior dorsals, the neural spine is quite short, and weak. The anterior zygapophyses have their articular faces recurved, as in the ruminant mammals. The neural canal is a broad oval in transverse outline. The transverse processes are much elevated, and the articular faces for the ribs on these, and on the centrum below, gradually become smaller. The centrum is longer, distinctly keeled below, and its articular faces are triangular in outline, the three sides being nearly equal. These features are shown in figures 103–105.

The last dorsal vertebra of *Dinoceras mirabile* (number 1215) is represented in Plate XXIV, figures 5–9. A posterior dorsal of another species is shown below.

Fig. 103.

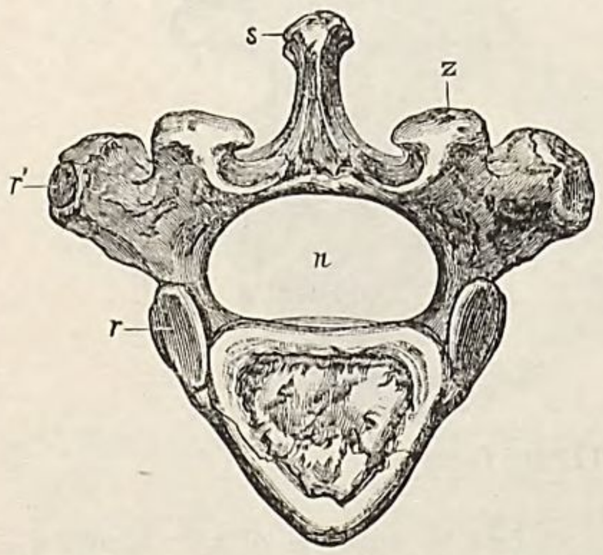

Fig. 104.

Fig. 105.

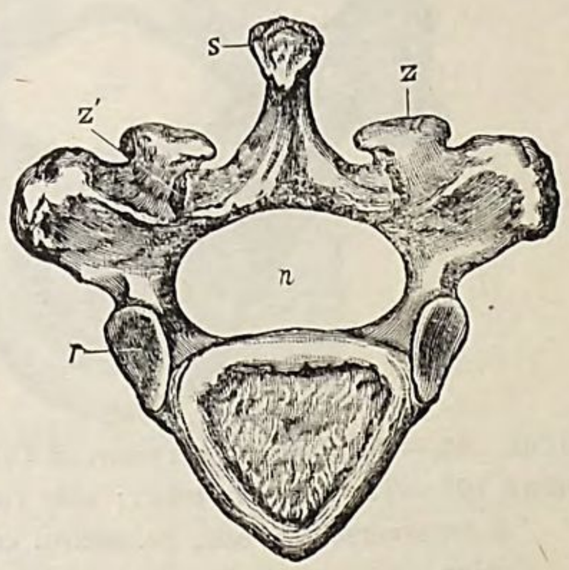

Figure 103.—Posterior dorsal vertebra of *Dinoceras lucare*, Marsh (No. 1038); front view.
Figure 104.—The same vertebra; side view.
Figure 105.—The same vertebra; back view.

n. neural canal; *r*. face for head of rib; *r'*. face for tubercle of rib; *s*. neural spine; *z*. anterior zygapophysis; *z'*. posterior zygapophysis.

All the figures are one-fourth natural size.

The Lumbar Vertebræ.

(Plates XXV and XXVI.)

The last four lumbar vertebræ of the type specimen of *Dinoceras mirabile* (number 1036) are preserved, and are figured in Plates XXV and XXVI. The centra are proportionally much longer than in the mastodon, and the most anterior of the four is excavated at the sides, and keeled below, so as to be nearly triangular in a vertical section near the middle. The excavation becomes less decided in the succeeding vertebræ, which are more nearly circular in section. The keel disappears upon the last lumbar, which has its under surface strongly roughened, especially near the posterior margin.

The epiphyses of all these vertebræ are imperfectly united with the centra, and are deficient in ossification near the center, forming only thin, and, in some cases, narrow rings of bone. The deficiency of ossification increases the apparent concavity of the articular faces of the centrum. These faces also become more oval transversely on the posterior vertebræ, and especially upon the last lumbar vertebra.

The neural canal in all the lumbar vertebræ is large, but has been considerably reduced, in the vertebræ of this specimen, by crushing.

The zygapophyses in the lumbar region are strongly articulated together. The pre-zygapophyses present a curved surface, bending around, and firmly grasping, the semi-cylindrical post-zygapophyses, which are inserted into them. This form of articulation is found among living Artiodactyls, and existed also in the Oreodons of the Miocene; while in the Perissodactyl group, and in Proboscidians, the zygapophyses of this region are loosely applied to each other by nearly flat surfaces.

The keel on the under surface of the centrum is stout and short on the second vertebra from the sacrum, where it first appears in this specimen, and is strongest on the anterior part of the centrum. On the next preceding vertebra, it is somewhat thinner, but more elongated, extending along the whole under surface of the centrum. On the fourth vertebra from the sacrum, it becomes thin, and even sharp in front.

The transverse processes are flattened, especially above, and directed nearly horizontally outward. They are much more elongated than in the mastodon, and appear to have been proportionally much stronger than in the tapir.

The principal dimensions of four lumbar vertebræ of the type specimen of *Dinoceras mirabile* are as follows:

Measurements of Fourth Lumbar Vertebra from Sacrum. (*Dinoceras mirabile*, No. 1036.)

	m.
Length of centrum (anterior epiphysis wanting),	.080
Vertical diameter of centrum,	.087
Vertical diameter of posterior face of centrum,	.075
Transverse diameter of posterior face of centrum (approximate),	.088

Measurements of Third Lumbar Vertebra from Sacrum. (*Dinoceras mirabile*, No. 1036.)

	m.
Length of centrum,	.085
Transverse diameter of anterior epiphysis,	.091
Vertical diameter of anterior epiphysis,	.080
Transverse diameter of posterior epiphysis,	.091
Vertical diameter of posterior epiphysis,	.078

Measurements of Second Lumbar Vertebra from Sacrum. (*Dinoceras mirabile*, No. 1036.)

	m.
Length of centrum,	.086
Transverse diameter of anterior epiphysis (approximate),	.090
Vertical diameter of anterior epiphysis,	.080
Transverse diameter of posterior epiphysis (approximate),	.095
Vertical diameter of posterior epiphysis,	.083

Measurements of last Lumbar Vertebra. (*Dinoceras mirabile*, No. 1036.)

	m.
Length of centrum,	.083
Transverse diameter of anterior epiphysis (approximate),	.095
Vertical diameter of anterior epiphysis,	.080
Transverse diameter of posterior epiphysis (approximate),	.105
Vertical diameter of posterior epiphysis,	.075

CHAPTER VII.

THE FORE LIMBS.

(Plates XXVII–XXXVIII, LV, and LVI.)

The limb bones in the *Dinocerata* are nearly or quite solid, and this is true of all the skeleton, a portion of the skull alone excepted.

The fore limbs in the *Dinocerata* have a general resemblance to those of Proboscidians. The different segments, however, are more inclined to each other, and the bones that compose them are stouter, and more massive.

The Scapula. (Plate XXVII.)

The scapula of *Dinoceras mirabile*, in its general form, is similar to that of the elephant. It is triangular in outline, with the anterior, or coracoid, border slightly longer than either of the other two margins, which are about equal to each other, if the glenoid border be considered as including the glenoid cavity. The coracoid border is excavated by a broad rounded emargination, just above the coracoid process, but beyond this sinus, it runs nearly straight to the apex of the bone, which is more acute than in the mastodon.

The supra-scapular border is moderately curved throughout, and the posterior angle appears to be less acute than in the Proboscidians. The glenoid border is nearly in a line with the glenoid cavity, so that the constriction above the cavity is scarcely evident in the posterior margin of the bone.

The external surface of the scapula is divided into two unequal fossæ. The anterior of these, or pre-scapular fossa, extends the entire length of the bone, but is less than half as wide as the post-scapular fossa, from which it is divided by a thick and stout spine. The latter is less elevated than in the elephant and mastodon, and less expanded, but extends farther downward, nearly to the level of the glenoid cavity. It is destitute of the curved posterior process seen in the elephant and mastodon.

The post-scapular fossa is strongly roughened near the posterior angle, which is rounded.

The glenoid cavity is only moderately concave transversely, and somewhat broader behind than before.

The inner surface of the scapula is for the most part smooth, except over a large quadrilateral area in the region of the apex. The supra-scapular border is ossified separately from the body of the bone.

The coracoid is firmly united to the scapula in *Dinoceras mirabile* (number 1215), and forms a rounded salient process, projecting freely in front of the glenoid cavity. Seen from the front, it appears to be tri-lobed in outline.

The main dimensions of the scapula in one specimen of *Dinoceras mirabile* are as follows:

Measurements of Left Scapula. (*Dinoceras mirabile*, No. 1215.)

	m.
Antero-posterior diameter of glenoid cavity,	.115
Transverse diameter of glenoid cavity,	.090
Greatest vertical diameter of scapula,	.575
Greatest horizontal diameter,	.480
Length of coracoid border,	.570
Length of supra-scapular border,	.390
Length of glenoid border,	.350
Height of acromion above glenoid cavity,	.120
Greatest diameter of pre-scapular fossa,	.140
Greatest diameter of post-scapular fossa,	.310

The Humerus.

(Plate XXVIII; and woodcuts 106–107, below.)

The humerus of *Dinoceras* is a strong bone, presenting roughened and tuberculated surfaces, evidently for the attachment of powerful muscles. In this respect, it is in strong contrast with the comparatively smooth femur, and a glance at the structure of the skeleton, as shown in the restorations in Plates LV and LVI, will suggest a reason for this difference.

The hind leg of *Dinoceras*, like that of the elephant, could be straightened, so that the weight of the hinder part of the body was supported by a vertical column of bones, rising from the ankle joint to the pelvis, and comparatively little muscular action was required to keep the bones in the requisite position. The elbow joint, on the contrary, was not capable of sufficient extension to bring the radius and ulna into a line with the humerus, but the weight of the fore part of the body was supported, as in ordinary quadrupeds, by a long column with more or less flexure near the middle. Constant muscular action was therefore necessary to sustain the weight of this part of the body. The heavy and strongly armed head added still more to the muscular efforts required of the fore limbs, during progression, or even while standing at rest.

The proximal end of the humerus (Plate XXVIII, figure 3, *a*) presents a large rounded articular face, or head, more convex antero-posteriorly than from side to side. The axis of the head of the humerus forms an angle of nearly 30° with that of the shaft. This angle, while greater than that seen in the same bone of the elephant, is much less than in most quadrupeds.

The great tuberosity of the humerus is prominent, but not elevated, and is separated, by a shallow and narrow bicipital groove, from the low lesser tuberosity. The great tuberosity is about as large as in the elephant, but does not extend so high, not rising to the head of the humerus. It is strongly tuberculated and roughened, and is continued down the anterior and outer part of the shaft into a prominent ridge below

the middle of the bone. Here it unites with the oblique, and well developed, deltoid ridge, then descends rapidly, and ends in a roughened surface just above, and inside of, the coronoid fossa. The deltoid ridge is strong, oblique, and elongated, as is well shown in the back view of the humerus, Plate XXVIII, figure 3. It does not, however, rise into a hook-like process, as in the rhinoceros. The bicipital groove is single, as in the elephant, and presents no median ridge. The lesser tuberosity is small and low, and wholly below the head, which is broad and extensive, covering much the greater part of the superior aspect of the bone, and extending forward to the bottom of the bicipital groove.

The shaft of the humerus is most constricted at a point nearly three-fourths of the way toward the distal end, and here is distinctly triangular in section, one of the angles projecting forward, as seen in Plate XXVIII, figure 1. Above and below this point, the shaft expands, and is more flattened, especially distally. Here it is excavated in front, as usual, by a large rounded and deep coronoid fossa, placed well toward the outer, or radial, side, as shown in Plate XXVIII, figure 1. The posterior surface is hollowed out, medially, by a comparatively shallow anconeal fossa, as shown in figure 3 of the same Plate. The coronoid fossa in some specimens (number 1224) is even deeper than the anconeal, and is always distinct and rounded. The anconeal fossa is also rounded in general outline, median in position, and is carried but little below the trochlear articular face.

The posterior surface of the humerus is bounded, on the inner side, by a ridge running almost the entire length of the shaft. This ridge commences above, near the posterior part of the lesser tuberosity, and the postero-internal angle of the head, and runs nearly straight down the shaft of the humerus, terminating in an expanded and tubercular tract, on the inner condyle. On this ridge, and about the middle of the shaft, nearly opposite the strongest part of the deltoid ridge, is another roughened area, often, as in the specimen figured (Plate XXVIII, figures 1, 2 and 3), rising into a distinct trochanter-like eminence, apparently for the insertion of the *latissimus dorsi* muscle. At the lower end of the humerus, this ridge

ends in a large and prominent inner condyle, which does not, however, extend far back of the trochlear surface, as seen in Plate XXVIII, figure 1, *a*.

The outer condyle is nearly on the same level as the inner, and extends to about the same distance laterally, from the axis of the bone, as seen in Plate XXVIII, figures 1 and 3. Above, it descends rapidly to the shaft of the bone, and presents only a short and moderately rugose, or nearly smooth, supinator ridge.

The trochlear articulation considerably resembles that of the elephant, but is placed a little more obliquely to the axis of the bone. The radius articulated, during life, with the whole of the anterior part of this surface, and the ulna, with the whole of the posterior part, the former bone being, at the proximal end, in front of the latter, and scarcely at all on the outer side. The outer part of the trochlear surface is more rounded in both directions than the inner, the surface of which is only moderately curved in a transverse direction.

The shaft of the humerus is more or less cancellated within, as shown in the woodcuts, figures 106 and 107, but is destitute of any medullary cavity.

FIG. 106.

FIG. 107.

FIGURE 106.—Section of humerus of *Dinoceras mirabile*, Marsh (No. 1215); near proximal end.
FIGURE 107.—Section of humerus of *Dinoceras mirabile* (No. 1208); below middle.
Both figures are one-fourth natural size.

Measurements of the humerus in four individuals of *Dinoceras* are as follows:

Measurements of Left Humerus. (*Dinoceras mirabile*, No. 1245.)

	m.
Total length of humerus,	.555
Antero-posterior diameter of head,	.136
Transverse diameter of head,	.120
Greatest diameter of proximal end,	.220
Least antero-posterior diameter of shaft,	.070
Least transverse diameter of shaft,	.080

	m.
Transverse diameter, through condyles,	.200
Transverse diameter of trochlear surface,	.127
Antero-posterior diameter of trochlear surface, ulnar side,	.109
Antero-posterior diameter of trochlear surface, radial side,	.091
Antero-posterior diameter of trochlear surface, least,	.078
Thickness of bone between coronoid and anconeal fossæ,	.016

Measurements of Left Humerus. (*Dinoceras mirabile*, No. 1208.)

	m.
Least antero-posterior diameter of shaft,	.064
Transverse diameter, through condyles,	.184
Transverse diameter of trochlear surface,	.124
Antero-posterior diameter of trochlear surface, ulnar side,	.100
Antero-posterior diameter of trochlear surface, radial side,	.095
Antero-posterior diameter of trochlear surface, least,	.080
Thickness of bone between coronoid and anconeal fossæ,	.018

Measurements of Right Humerus. (*Dinoceras mirabile*, No. 1212.)

	m.
Least antero-posterior diameter of shaft,	.058
Transverse diameter through condyles,	.183
Transverse diameter of trochlear surface,	.115
Antero-posterior diameter of trochlear surface, ulnar side,	.098
Antero-posterior diameter of trochlear surface, radial side,	.080
Antero-posterior diameter of trochlear surface, least,	.072
Thickness of bone between coronoid and anconeal fossæ,	.014

Measurements of Right Humerus. (*Dinoceras mirabile*, No. 1215.)

	m.
Antero-posterior diameter of head,	.140
Transverse diameter of head,	.138
Greatest diameter of proximal end,	.220
Antero-posterior diameter of trochlear surface, ulnar side,	.116

The Forearm. (Plates LV and LVI.)

The two bones of the forearm in the *Dinocerata* are quite distinct throughout in all the specimens observed, and, exclusive of the olecranon process of the ulna, differ but little in size. The articular surface for the humerus is formed in about equal parts by each bone, except that it is medially produced backward on the ulna upon the beak of the olecranon.

The distal articular face for the carpus was borne more by the radius than the ulna, but the inequality, in size, of the articular faces was comparatively slight. The lunar articulated distinctly with both bones.

The articular surfaces of the radius and the ulna for each other were nearly parallel with the axes of those bones, and allowed of little else than a slight antero-posterior gliding motion. The roughened and co-adapted surfaces of the bones indicate that, during life, all movements of pronation and supination were prevented by powerful ligaments.

The radius does not appear so distinctly to cross the ulna as in the Proboscidians, being, at the upper end, in front of that bone, and proportionally much larger, then passing down obliquely inward to a position within the distal end of the ulna.

The proportion of the two bones to each other is much nearer that seen in the rhinoceros and hippopotamus, than that in the elephant.

The Radius. (Plate XXIX; and woodcuts 108–109, below.)

The radius in *Dinoceras* is a strong bone, with its shaft about equal in size to that of the ulna. It is considerably larger than that bone at the lower end, and smaller at the upper end.

The head, or superior articular face, occupies the entire surface of the proximal end. This surface is elongate oval in outline, the long diameter being placed transversely, and nearly twice as great as the short diameter. The latter is antero-posterior in direction, in the ordinary, nearly vertical position of the bone. It crosses the surface of the bone nearly in the middle, instead of toward the inner side of the middle, as in most Ungulates. Antero-posteriorly, the articular surface is concave throughout, but transversely, it is convex on the inner side, and concave on the outer side of the middle line. The inner half of the articular surface is thus traversed by a low antero-posterior ridge, or elevation, which moves upon the groove in the distal articular face of the humerus.

The proximal surface of the radius differs from that of the elephant in being proportionally much larger, and extending quite across the humeral articular surface. It differs from that of the tapir, and the hippopotamus, in having only a single antero-posterior ridge, as in the rhinoceros. It still differs from that of the rhinoceros, in the fact, that a transverse section

is concave in its outer half, and convex in its inner half, while in the rhinoceros, such a section is concave at each end, and convex only near the median portion.

On the side of the radius toward the ulna, is a narrow articular surface for that bone, becoming broader toward the outer end.

The shaft of the radius is smallest at a point about one-third of the way from the proximal, toward the distal end. Above this point, the bone expands rather rapidly toward the head. It is much roughened, especially on the side toward the ulna, with which, however, it forms no bony union; nor are the bones roughened, or grooved for close adaptation to each other, as in the tapir and rhinoceros. The bicipital tuberosity is well developed, and placed rather low down on the side of the shaft, instead of on the front part of it. The distal end of the shaft is large, rough, and oblique, and presents no smooth grooves for tendons.

The distal articular face is divided by a median ridge into two sub-equal facets, for the scaphoid and lunar bones of the carpus. These facets are confluent along the summit of the median ridge. That for the scaphoid is semi-circular in outline, and concave in both directions, while that for the lunar is four-sided, much broader in front than behind, and concave throughout. Near the back part of the ulnar side of this facet, the articular face is continued into a small tract on the lateral surface of the radius, where it comes in contact with the ulna.

The shaft of the radius has an interior cancellated structure, as shown in the figures below, but no medullary cavity.

FIG. 108.

FIG. 109.

FIGURE 108.—Section of radius of *Dinoceras mirabile*, Marsh (No. 1195).
FIGURE 109.—Section of radius of *Dinoceras mirabile*, Marsh (No. 1234).
Both figures are one-fourth natural size.

Measurements of the radius in three individuals of *Dinoceras* are the following:

Measurements of Left Radius. (*Dinoceras mirabile*, No. 1208.)

	m.
Total length of radius,	.380
Greatest diameter of proximal end,	.098
Antero-posterior diameter of proximal end,	.061
Least diameters of shaft,	.032–.053
Transverse diameter of distal end,	.102
Antero-posterior diameter of distal end,	.080
Diameters of articulation for humerus,	.052–.094
Antero-posterior diameter of face for scaphoid,	.055
Transverse diameter of face for scaphoid,	.039
Antero-posterior diameter of face for lunar,	.056
Transverse diameter of face for lunar,	.045
Transverse diameter of distal articular surfaces,	.082

Measurements of Left Radius. (*Dinoceras mirabile*, No. 1206.)

	m.
Total length of radius,	.254
Greatest diameter of proximal end,	.116
Antero-posterior diameter of proximal end,	.071
Least diameters of shaft,	.062–.041
Transverse diameter, distal end,	.011
Antero-posterior diameter, distal end,	.097
Diameters of articulation for humerus,	.060–.108
Antero-posterior diameter of articulation for scaphoid,	.065
Transverse diameter of articulation for scaphoid,	.040
Antero-posterior diameter of articulation for lunar,	.065
Transverse diameter of articulation for lunar,	.055
Transverse diameter of distal articular surfaces,	.093

Measurements of Right Radius. (*Dinoceras*, No. 1548.)

	m.
Length of radius,	.400
Greatest diameter of proximal end,	.112
Antero-posterior diameter of proximal end,	.070
Least diameters of shaft,	.063–.035
Transverse diameter of distal end,	.108
Antero-posterior diameter of distal end,	.090
Diameters of articulation for humerus,	.060–.104
Transverse diameter of articulation for scaphoid,	.047
Antero-posterior diameter of articulation for lunar,	.055
Transverse diameter of articulation for lunar,	.045
Transverse diameter of distal articular surfaces,	.092

THE ULNA. (Plate XXX; and woodcuts 110–111, below.)

The ulna in the *Dinocerata* is a solid and heavy bone, longer than the radius, as usual, by the length of the olecranon process. Except near the distal end, it is larger and stouter than that bone, to which it was united in life by ligaments only, but in such a manner as to allow of little motion between them. The shaft of the ulna always made, even at its utmost extension, a distinct angle with that of the humerus.

The ulna in *Dinoceras* is proportionally less robust than in the elephant. Its distal end is comparatively smaller than in that animal, and, at the proximal end, a much smaller proportion of the articular surface for the humerus is furnished by the ulna.

The olecranon process is robust, as in the Proboscidians, but it is carried farther above the articular surface, and less directly behind it, than in that group. It is much higher within than without, and posteriorly, it is strongly roughened as low down as the middle of the humeral articulation. It is only moderately produced backward, and descends into a broad ridge, insensibly blending below with the shaft of the bone.

Below the humeral articular surface, the shaft of the ulna is sub-triangular in section, or, near the distal end, somewhat quadrilateral. Along the posterior and outer side of the bone, is a rounded ridge, running from the olecranon process above, to the outer angle of the articular face below.

The face by which the ulna is applied to the radius is broadly excavated, and strongly roughened above, where it is nearly on the front surface of the bone. It is moderately flattened along the shaft of the bone, and is carried around to the inner surface toward the distal end, where it is broad, flat, and distinctly roughened.

The anterior face of the bone is also flattened near the distal end, and separated from the outer face by a ridge, which extends upward to near the middle of the shaft. The postero-external face of the bone is flattened, or only moderately rounded, and is somewhat excavated behind the lower part of the humeral articulation.

This articulation presents a striking difference in direction from that seen in the corresponding face on the ulna of the elephant and mastodon. It is so placed on the shaft of the bone as to look almost directly forward, and only very slightly upward, instead of looking nearly upward, as in the mastodon. It forms, comparatively, a much smaller part of the face for the humeral trochlea.

In shape, this articulation is distinctly tri-lobate. One rounded lobe, convex from side to side, runs backward and upward to the summit of the beak of the olecranon. A second, and large lobe, moderately concave in both directions, runs inward, articulating with the ulnar portion of the trochlea of the humerus. An outer, small and flattened, lobe articulates with the posterior part of the radial surface of the trochlea. The front, or lower, outline of the articular face is moderately concave, and adapted to the surface of the radius by a narrow face, becoming wider toward each extremity.

The distal end of the ulna is terminated by an articular surface, which is somewhat quadrant-shaped. The inner and posterior outlines are nearly straight, and meet at a right angle, while the anterior and outer margins are formed by a curved line.

This face is convex in an antero-posterior direction, strongly so behind. In a transverse direction, it is moderately concave, except near the inner edge, where it is broadly beveled off, for union with the lunar bone of the carpus.

Much the larger part of the distal articular face of the ulna articulated, during life, with the pyramidal bone, or the cuneiform bone of many anatomists.

Posteriorly, a surface was presented for the pisiform, and, on the inner side, a narrow beveled surface united with the lunar bone.

Farther within, and on the surface of the shaft of the bone, a small surface was presented to the radius, although the two bones, as already stated, were strongly fixed, during life, in their relation to each other.

The inner texture of the shaft of the ulna is similar to that of the radius, as indicated in the sections represented below, figures 110 and 111.

FIG. 110.

FIG. 111.

FIGURE 110.—Section of ulna of *Dinoceras lucare*, Marsh (No. 1038).
FIGURE 111.—Section of ulna of *Dinoceras mirabile*, Marsh (No. 1548).
Both figures are one-fourth natural size.

The principal dimensions of the ulna in three individuals of *Dinoceras* are as follows:

Measurements of Left Ulna. (*Dinoceras mirabile*, No. 1206.)

	m.
Total length of ulna,	.530
Diameters of proximal end,	.095–.140
Transverse diameter of shaft, behind humeral articular face,	.055
Diameter of shaft, through humeral articular face,	.097
Diameters of shaft, near the middle,	.057–.081
Antero-posterior diameter of shaft, near distal end,	.085
Transverse diameter of shaft, near distal end,	.067
Transverse diameter of humeral articulation, greatest,	.143
Transverse diameter of humeral articulation, least,	.060
Antero-posterior diameter of humeral articulation, at the middle,	.085
Antero-posterior diameter of humeral articulation, inner lobe,	.063
Antero-posterior diameter of humeral articulation, outer lobe,	.045
Transverse diameter of distal articular surface,	.076
Antero-posterior diameter of distal articular surface,	.070
Least and greatest diameters of distal articular surface,	.067–.097

Measurements of Right Ulna. (*Dinoceras mirabile*, No. 1232.)

	m.
Total length of ulna,	.555
Diameters of proximal end,	.098–.130
Transverse diameter of shaft, behind humeral articulation,	.065
Diameter of shaft, through humeral articulation,	.103
Diameters of shaft, near the middle,	.067–.077
Antero-posterior diameter of shaft, near distal end,	.095
Transverse diameter of shaft, near distal end,	.084
Least transverse diameter of humeral articulation,	.058
Antero-posterior diameter of humeral articulation, at the middle,	.086

	m.
Antero-posterior diameter of humeral articulation, inner lobe,	.066
Transverse diameter of distal articular surface,	.073
Antero-posterior diameter of distal articular surface,	.061
Greatest diameter of distal articular surface,	.090

Measurements of Right Ulna. (*Dinoceras lucare*, No. 1038.)

	m.
Diameters of proximal end of ulna (approximate),	.070-.103
Diameter of shaft, behind humeral articulation,	.052
Diameter of shaft, through humeral articulation,	.088
Greatest transverse diameter of humeral articulation,	.125
Least transverse diameter of humeral articulation,	.052
Antero-posterior diameter of humeral articulation, at the middle,	.090
Antero-posterior diameter of humeral articulation, inner lobe,	.062
Antero-posterior diameter of humeral articulation, outer lobe,	.038

CHAPTER VIII.

THE FORE LIMBS. (Continued.)

(Plates XXXI–XXXVIII, LIV, LV and LVI).

The fore foot in all the *Dinocerata* is larger than the hind foot. The bones composing it are comparatively short and massive. There were five well developed digits, as in Proboscidians, but the carpal bones were interlocked with the metacarpals, as in Perissodactyls. The general appearance of the fore foot in *Dinoceras mirabile* is well shown in Plate LIV, figure 1. The hind foot is represented in figure 2 of the same Plate. The feet were plantigrade, as in the elephant, and in their more important characters were much like those of *Coryphodon*.

The Carpal Bones.

(Plates XXXI–XXXIV; and woodcuts 112–124, below.)

There are eight separate carpal bones in the fore foot of all the *Dinocerata*, and a ninth, the central bone, may be separate in very young animals, and, in adults, either lost or consolidated with the scaphoid, or the trapezoid.

The Scaphoid.

(Plate XXXI, figures 1–6, Plate LIV, figure 1, *s*;
and woodcuts 112–113, below.)

The scaphoid in the *Dinocerata* is a peculiar bone of characteristic shape. It is quite large, its length, along the axis of the limb, being greater than that of any other bone of the carpus. Proximally, it presents a strongly rounded, almost hemispherical surface, for articulation with the radius. This articular face covers the entire proximal end of the bone, and is oblique to its axis, the side toward the lunar being much higher than the opposite side. The ulnar side, in apposition with the lunar, has a proximal articular surface confluent with the radial surface, and extending less than one-fourth the length of the bone.

Distally, the scaphoid presents two confluent articular faces, one for the trapezium, and a second smaller one, somewhat in front of the other, for the trapezoid. These two faces are but indistinctly separated from each other, and are, for most of their extent, convex in both directions.

The ulnar side of the bone also presents two confluent, but well marked, articular surfaces, making an obtuse angle with each other. Of these, the anterior is nearly flat, and joins the lunar. The posterior is more convex, and adapted to the magnum. This face does not reach the anterior angle of the bone, so that the magnum is supported in front by the lunar alone, but articulates behind with the scaphoid also.

The projection supporting these two faces may perhaps represent the central bone, coalesced with the scaphoid. The latter shows no face for a separate central bone.

The two proximal articular faces are well separated from the four at the distal end of the scaphoid bone by a large area of non-articular surface. This tract becomes elevated, and strongly tuberculated, on the exterior side of the bone, while it is smoother, and somewhat excavated, on the side turned toward the lunar and the magnum.

In Plate LIV, figure 1, the scaphoid and lunar bones are slightly out of position, but every anatomist will see their true relations to each other.

The scaphoid in *Dinoceras laticeps* (number 1264), like most others (except number 1208), shows, near the distal portion of the radial side, below the rugose surface, a deep and somewhat oblique depression.

The scaphoid in two specimens of *Dinoceras* are represented in the figures below.

FIG. 112.

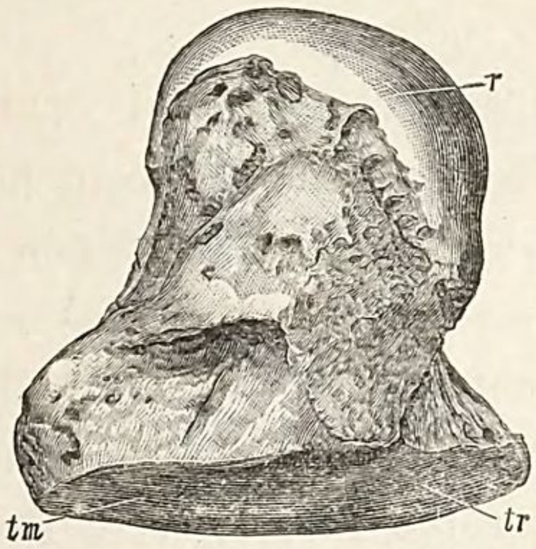

FIG. 113

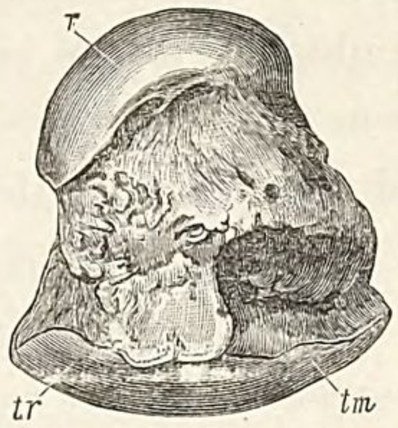

FIGURE 112.—Left scaphoid of *Dinoceras laticeps*, Marsh (1264); side view.
FIGURE 113.—Right scaphoid of *Dinoceras mirabile*, Marsh (1200); side view.
r. face for radius; *tm.* face for trapezium; *tr.* face for trapezoid.
Both figures are one-half natural size.

The principal dimensions of the scaphoid in three individuals of *Dinoceras* are as follows:

Measurements of Left Scaphoid. (*Dinoceras mirabile*, No. 1208.)

	m.
Length of longitudinal axis of scaphoid,	.077
Length of transverse axes,	.049–.049
Antero-posterior diameter of radial articular surface,	.051
Transverse diameter of radial articular surface,	.045
Antero-posterior diameter of distal articular surface,	.070
Transverse diameter of distal articular surface,	.044

Measurements of Right Scaphoid. (*Dinoceras mirabile*, No. 1200.)

	m.
Length of longitudinal axis of scaphoid,	.071
Length of transverse axes,	.073–.054
Antero-posterior diameter of radial articular surface,	.046
Transverse diameter of radial articular surface,	.038
Antero-posterior diameter of distal articular surface,	.066
Transverse diameter of distal articular surface,	.038

Measurements of Left Scaphoid. (*Dinoceras laticeps*, No. 1264.)

	m.
Length of longitudinal axis of scaphoid,	.086
Length of transverse axes,	.051–.060
Antero-posterior diameter of radial articular surface,	.060
Transverse diameter of radial articular surface,	.046
Antero-posterior diameter of distal articular surface,	.082
Transverse diameter of distal articular surface,	.050

The Lunar.

(Plate XXXI, figures 7–12, Plate LIV, figure 1, *l*; and woodcuts 114–116, below.)

The lunar bone in the *Dinocerata* (Plate XXXI, figures 7–12) bears some resemblance to the corresponding bone in the elephant, but differs widely from it in having its proximal surface, for articulation with the radius and ulna, convex throughout, instead of being for the most part concave. The distal surface, also, presents two distinct articular faces, instead of being covered with a single large face, as in the elephant.

The exterior surface of the lunar, or the face seen in front when the bone is in its natural position with the other bones of the foot, is represented on Plate XXXI, figure 7. This surface is coarsely roughened, and is widest above. Only a small portion of the edges of any of the articular surfaces can be seen in this view.

The inner angle of the distal end of the lunar in *Dinoceras* (numbers 1215, 1229, and 1230) is truncated by a small face for articulation with the trapezoid bone, as shown in figure 7, and also in woodcut 114, below. On one specimen (number 1575), which may belong to *Uintatherium*, this face is large and convex. In number 1254, the face is smaller than in the specimens figured. The articulation of the lunar with the trapezoid, or perhaps the trapezo-central bone, occurs also in *Coryphodon*, *Mastodon*, and the elephant, especially the African species.

The lateral surface of the bone turned toward the scaphoid, and articulating with it, is shown on Plate XXXI, figure 8. This side has two faces for articulation with the scaphoid. The upper one of these runs along nearly the whole extent of the superior margin of the bone, and is confluent with the surface for articulation with the radius, and hardly to be distinguished from it. A second articular face for union with the scaphoid is broader and more flattened than the first, and extends along rather more than half of the distal margin near its front, or anterior, end. Behind this articular surface, the bone is produced into a short, hook-shaped process sustaining the concave portion of the distal articulations.

The posterior surface of the lunar is shown on the same Plate, figure 9, and presents no articular faces. The lateral surface turned toward the

pyramidal is shown in figure 10. Two narrow and approximate faces are seen on this surface, becoming somewhat wider, and approaching each other behind. These faces vary greatly in the degree to which they are developed in different specimens.

The upper, or proximal, surface is confluent with the ulnar facet, while the lower, or distal, one is continuous with the face for the unciform, but usually well distinguished from it by a ridge.

The proximal surface (figure 11), articulating with the radius, is more or less quadrangular in outline, broader in front, sometimes so much so as to become sub-triangular in outline (number 1218). It is well rounded in both directions throughout, the smooth articular face for radius and ulna being carried over on each side to join both the scaphoid and the pyramidal faces.

Fig. 114.

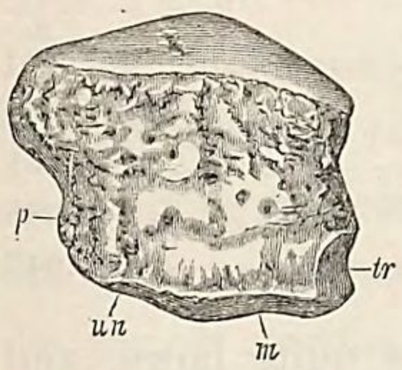

Fig. 115.

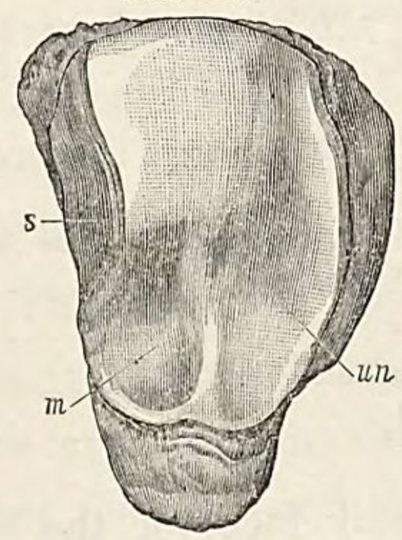

Fig. 116.

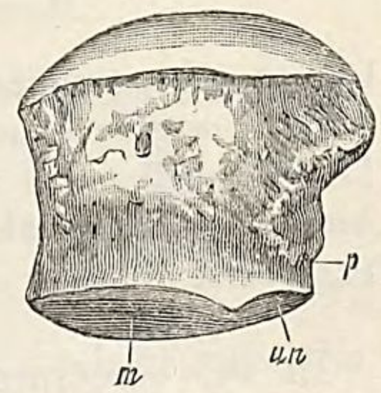

Figure 114.—Right lunar of *Dinoceras mirabile*, Marsh (No. 1230); front view.
Figure 115.—Left lunar of *Tinoceras ingens*, Marsh (No. 1504); bottom view.
Figure 116.—Left lunar of *Tinoceras ingens* (No. 1219); front view.
m. face for magnum; *p.* face for pyramidal; *r.* face for radius; *s.* face for scaphoid; *tr.* face for trapezoid; *un.* face for unciform.

All the figures are one-half natural size.

The distal surface (figure 12) is divided into two articular faces, supporting in part the magnum and the unciform. These faces are confluent, and sometimes hardly to be distinguished in front, but, on the posterior part of the surface, they are separated by a more or less distinct rounded ridge. Both these faces are nearly flat transversely in front, and somewhat concave behind. In an antero-posterior direction, they are convex in front, and concave behind.

In the right lunar of *Dinoceras mirabile* (number 1230), the distal face for articulation with the scaphoid makes less than a right angle with the face for the magnum. instead of an obtuse angle, as in most other specimens.

The lunar bone in *Tinoceras* presents no articular face for the trapezoid, and is much produced posteriorly, thus distinguishing it from the lunar in the genus *Dinoceras*. Its main features are shown in the woodcuts, 115 and 116, above.

The more important measurements of the lunar bone in four individuals of the *Dinocerata* are as follows:

Measurements of Right Lunar. (*Dinoceras mirabile*, No. 1230.)

	m.
Length of longitudinal axis of lunar,	.050
Antero-posterior diameter of proximal end,	.059
Transverse diameter of proximal end,	.056
Antero-posterior diameter of distal end,	.075
Transverse diameter of distal end,	.046

Measurements of Left Lunar. (*Tinoceras ingens*, No. 1503.)

	m.
Length of longitudinal axis of lunar,	.051
Antero-posterior diameter of proximal end,	.061
Transverse diameter of proximal end,	.053
Antero-posterior diameter of distal end,	.083
Transverse diameter of distal end,	.047

In this specimen, the distal face for the scaphoid is quite large, and encroaches on the face for the magnum.

Measurements of Right Lunar. (*Tinoceras ingens*, No. 1504.)

	m.
Length of longitudinal axis of lunar,	.054
Antero-posterior diameter of proximal end,	.062
Transverse diameter of proximal end,	.065
Antero-posterior diameter of distal end,	.088
Transverse diameter of distal end,	.050

Measurements of Left Lunar. (*Tinoceras ingens*, No. 1246.)

	m.
Length of longitudinal axis of lunar,	.061
Antero-posterior diameter of proximal end,	.066
Transverse diameter of proximal end,	.060
Antero-posterior diameter of distal end,	.092
Transverse diameter of distal end,	.053

The Pyramidal.

(Plate XXXII, figures 1–6, Plate LIV, figure 1, *p*;
and woodcuts 117–118, below.)

The pyramidal bone in the *Dinocerata* bears a considerable resemblance to the corresponding bone in the elephant, and has, in general, a similar shape, and similar arrangement of articular faces.

Plate XXXII, figure 1, represents the outer, or dermal, surface of the bone, as seen in its natural position in the foot, and shows a portion only of the saddle-shaped articular face for the ulna.

The anterior view of the bone (figure 2) shows but little of the articular faces, although, on the side turned toward the lunar, may be seen a short articular face running along the distal portion of the surface. This face is seen more clearly in figure 3, and is confluent with the lower, or distal, face supporting the unciform, but makes a considerable angle with it.

In the posterior view of the bone (figure 4), the oblique articulation for the pisiform is shown. This articular face, like most of the lateral ones among the carpal bones, is of variable shape, and often fails to show the deep emargination at the side, seen in the specimen figured. Along the upper margin, where this face is confluent with the ulnar articular face, the two are separated by a nearly straight, prominent, rounded ridge.

The proximal surface of the bone (figure 5) shows principally the sub-triangular saddle-shaped face for articulation with the ulna.

The distal surface of the bone (figure 6) presents, also, a somewhat triangular and saddle-shaped face, for the support of the unciform bone, and, in the specimen figured, an additional, distinct, oval, and convex face, giving support to the metacarpal of the fifth digit.

In other specimens, this face is present, and well developed, but confluent with that supporting the unciform, as shown in the woodcuts below, figures 117 and 118.

The pyramidal bone in a second specimen of *Dinoceras*, and in one of *Tinoceras*, is shown in figures 117 and 118, below.

FIG. 117.

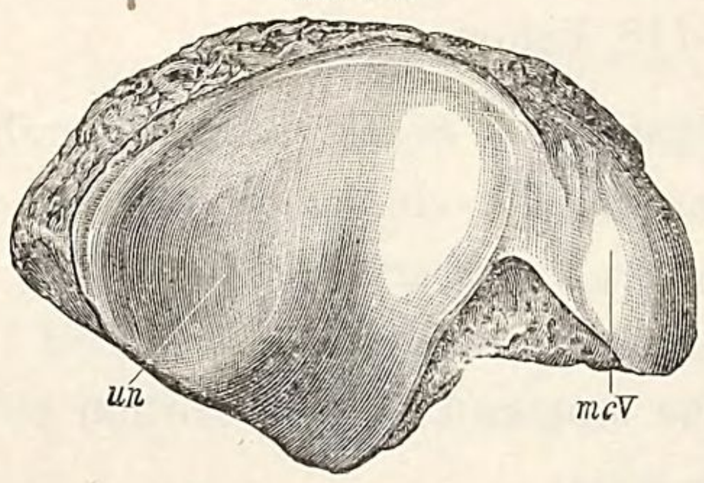

FIG. 118.

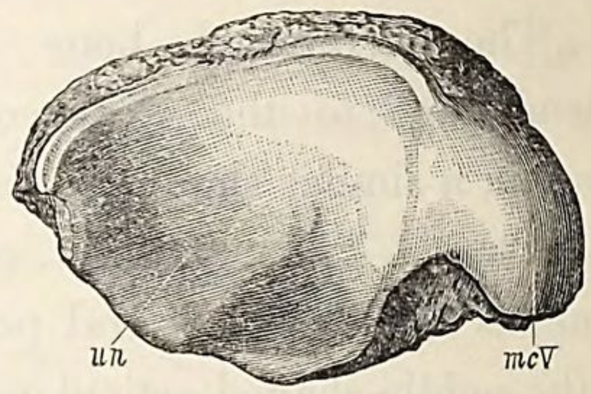

FIGURE 117.—Left pyramidal of *Tinoceras ingens*, Marsh (No. 1577); distal end.
FIGURE 118.—Left pyramidal of *Dinoceras mirabile*, Marsh (No. 1230); distal end.
*mc*V. face for fifth metacarpal; *un.* face for unciform.
Both figures are one-half natural size.

The following are the more important dimensions of the pyramidal bone in three specimens of *Dinoceras* and *Tinoceras*:

Measurements of Left Pyramidal. (*Dinoceras mirabile*, No. 1208.)

	m.
Greatest length of longitudinal axis of pyramidal,	.045
Total length of bone,	.098
Least transverse diameter,	.054
Greatest diameter of ulnar articular surface,	.073
Antero-posterior diameter of ulnar articular surface,	.049
Greatest diameter of articular face for unciform,	.064
Antero-posterior diameter of articular face for unciform,	.051
Diameters of face for fifth metacarpal,	.018–.029

Measurements of Left Pyramidal. (*Dinoceras mirabile*, No. 1230.)

	m.
Greatest length of longitudinal axis of pyramidal,	.042
Greatest diameter of bone,	.100
Least transverse diameter,	.062
Greatest diameter of ulnar articular face,	.083
Antero-posterior diameter of ulnar articular face,	.049
Greatest diameter of face for unciform,	.067
Antero-posterior diameter of face for unciform,	.057
Diameter of face for fifth metacarpal,	.026

Measurements of Left Pyramidal. (*Tinoceras ingens*, No. 1577.)

	m.
Greatest length of longitudinal axis of pyramidal,	.050
Greatest diameter of bone,	.113
Least transverse diameter,	.069
Greatest diameter of ulnar articular surface,	.092
Antero-posterior diameter of ulnar articular surface,	.062
Greatest diameter of articular face for unciform,	.080
Antero-posterior diameter of articular face for unciform,	.066

The Pisiform. (Plate XXXII, figures 7–12.)

The pisiform in the *Dinocerata* is a short, stout bone, presenting, as usual, two confluent articular faces, one for the ulna, and the second for the pyramidal.

Plate XXXII, figure 7, represents the surface of the pisiform seen from the side of the skeleton, when the bone is in its natural position, except that the long axis has been placed in a vertical, instead of an oblique, position. Neither of the articular faces can be seen in this figure.

The inner side of the bone, or that turned toward the pyramidal (figure 8), shows, at its proximal end, a large and somewhat triangular face, flattened, or slightly concave or convex, and extending, in the specimen figured, over more than half the length of the bone, but, in some specimens, it is proportionally shorter.

Figure 9, which gives the view opposite to that in figure 7, shows this articular face, seen obliquely.

The proximal end of the bone (figure 11) is nearly covered by a triangular articular face for union with the ulna. This face, in the specimen figured, is flat in one direction, and distinctly convex in the other, but another specimen of the same bone has this face distinctly convex in both directions.

Distally, the pisiform is strongly roughened and tuberculated, with the end rounded, as shown in figure 12.

The principal measurements of two specimens of the pisiform bone in *Dinoceras mirabile* are given below.

Measurements of Right Pisiform. (*Dinoceras mirabile*, No. 1211.)

	m.
Length of pisiform bone,	.061
Greatest transverse diameter,	.050
Least transverse diameter,	.030
Greatest diameter of ulnar articular surface,	.038
Least diameter of ulnar articular surface,	.021
Greatest diameter of face for pyramidal,	.047
Least diameter of face for pyramidal,	.029

Measurements of Right Pisiform. (*Dinoceras mirabile*, No. 1520.)

	m.
Length of pisiform bone,	.065
Greatest transverse diameter,	.045
Least transverse diameter,	.033
Greatest diameter of ulnar articular surface,	.042
Least diameter of ulnar articular surface,	.021
Greatest diameter of face for pyramidal,	.044
Least diameter of face for pyramidal,	.023

The Trapezium.

(Plate XXXIII, figures 1–6, and Plate, LIV, figure 1, *tm*.)

The trapezium in the *Dinocerata* is well developed, being considerably larger than the trapezoid. It presents at each end a large articular face, and a third smaller and much less regular one, for articulation with the trapezoid, on the side turned toward that bone.

The outer, or dermal, surface of the bone (Plate XXXIII, figure 1), when viewed in its natural position in the foot, is rough and tuberculated. The posterior view (figure 2), and the anterior view (figure 4), likewise show no articular faces. Figure 3, representing the surface turned toward the trapezoid, presents an irregular, smooth face along the upper margin. This face differs in size and proportions in different specimens, and in life moved upon a corresponding surface on the trapezoid.

The proximal end of the bone (figure 5) is almost entirely covered by the articular face for the scaphoid. This face, nearly semi-circular in outline, is flattened in one direction, slightly concave in the other, and confluent along the straight margin with the face for the trapezoid.

The distal end (figure 6) presents a semi-oval articular face, not extending quite to the anterior part of the bone, and supporting in life the well developed, short, first metacarpal. This articular face is somewhat saddle-shaped, being convex along its short diameter, and slightly concave lengthwise.

The main dimensions of the trapezial bone in two specimens of the *Dinocerata* are given below.

Measurements of Left Trapezium. (*Dinoceras mirabile*, No. 1208.)

	m.
Length of longitudinal axis of trapezium,	.036
Greatest horizontal diameter,	.062
Least horizontal diameter,	.033
Longest diameter of proximal articular face,	.044
Transverse diameter of proximal articular face,	.026
Longest diameter of distal articular face,	.048
Transverse diameter of distal articular face,	.026

Measurements of Right Trapezium. (*Tinoceras ingens*, No. 1219.)

	m.
Length of longitudinal axis of trapezium,	.037
Greatest horizontal diameter,	.068
Least horizontal diameter,	.031
Greatest diameter of proximal articular face (approximate),	.045
Transverse diameter of proximal articular face,	.032
Greatest diameter of distal articular face,	.053
Transverse diameter of distal articular face,	.030

The Trapezoid.

(Plate XXXIII, figures 7–12, Plate LIV, figure 1, *tr*;
and woodcuts 119–120, below.)

The trapezoid is a small bone in the *Dinocerata*, being much the smallest of the carpals, with the exception of the pisiform, and perhaps also of the central, if separate. The general shape of the bone is that of a blunt, nearly square, wedge, the large end being presented to the superior, or anterior, surface of the foot.

This end of the bone is represented in Plate XXXIII, figure 7, and shows nearly all that can be seen of it when in its natural position with

the other bones of the foot. The surface is strongly rugose, and, in this view, nothing can be seen of the articular faces.

The lateral surface turned toward the trapezium presents an articular face for union with that bone. An ordinary form of this face is shown in figure 8, but it is of variable form and size. Sometimes it even extends obliquely across the lateral surface of the bone, and becomes more or less widely confluent with the articulation for the metacarpal, along the anterior part of its lateral border, as in woodcut 119 below.

FIG. 119.

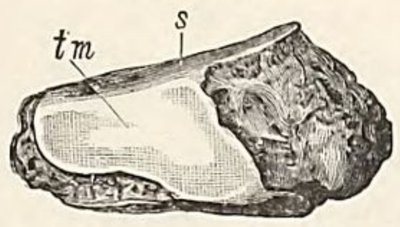

FIG. 120.

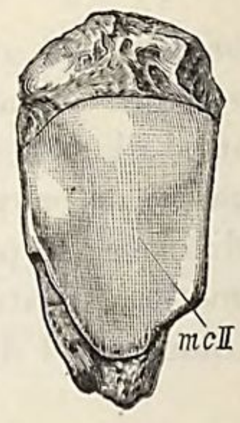

FIGURE 119.—Left trapezoid of *Dinoceras mirabile*, Marsh (No. 1230); side view.
FIGURE 120.—The same bone; distal end.
mcII. face for second metacarpal; *s*. face for scaphoid; *tm*. face for trapezium.
Both figures are one-half natural size.

The posterior, or palmar, aspect of the bone (figure 9) shows its wedge-like form, but the articular faces visible are seen only obliquely.

The side turned toward the magnum (figure 10) has an articular surface extending across the bone. Usually, this surface is near the anterior part of the bone, and sometimes, as in the specimen figured, is more or less interrupted at the middle by a ridge. This surface may also be broadly continued to the posterior, or palmar, end of the scaphoid articular face, as in number 1505.

The upper ulnar angle of this specimen is rounded for articulation with the lunar. This portion of the bone may represent the central, coalesced with the trapezoid, as in the existing *Dendrohyrax*.

The proximal articular face (figure 11), joining the scaphoid bone, is narrowly oval in outline, broader in front than behind, and more or less concave in both directions.

The distal face is somewhat similar in shape to the proximal, but sometimes shorter and broader, and is slightly convex in one, or both directions.

The principal dimensions of the trapezoid bone in two individuals of *Dinoceras*, and one of *Tinoceras*, are as follows:

Measurements of Left Trapezoid. (*Dinoceras mirabile*, No. 1208.)

	m.
Greatest vertical extent of trapezoid,	.036
Length of vertical axis,	.022
Greatest (antero-posterior) diameter,	.058
Transverse diameter, near the middle,	.029
Antero-posterior diameter of proximal articular face,	.049
Transverse diameter of proximal articular face,	.027
Antero-posterior diameter of distal articular face,	.051
Transverse diameter of distal articular face,	.025

Measurements of Left Trapezoid. (*Dinoceras mirabile*, No. 1230.)

	m.
Greatest vertical extent of trapezoid,	.034
Length of vertical axis,	.023
Greatest (antero-posterior) diameter,	.067
Transverse diameter,	.035
Antero-posterior diameter of proximal articular face,	.050
Transverse diameter of proximal articular face,	.029
Antero-posterior diameter of distal articular face,	.043
Transverse diameter of distal articular face,	.035

Measurements of Right Trapezoid. (*Tinoceras ingens*, No. 1219.)

	m.
Greatest vertical extent of trapezoid,	.038
Length of vertical axis,	.025
Greatest (antero-posterior) diameter,	.063
Transverse diameter, near the middle,	.033
Antero-posterior diameter of proximal articular face,	.048
Transverse diameter of proximal articular face,	.030
Antero-posterior diameter of distal articular face,	.050
Transverse diameter of distal articular face,	.029

The Magnum.

(Plate XXXIV, figures 1–6, Plate LIV, figure 1; and woodcuts 121–122, below.)

The magnum in the *Dinocerata* is proportionally a much smaller bone than in the elephant, and has a much greater difference in the length of the vertical axis in the anterior and posterior parts of the bone, than in that animal.

An anterior view of the magnum, when in its natural position among the other bones of the carpus, is seen in Plate XXXIV, figure 1. The dermal surface is pentagonal in outline, rough and tuberculated, while behind and above it, is seen obliquely a portion of the smooth articular face by which the bone articulates with the lunar and scaphoid bones of the preceding carpal series.

The lateral surface of the magnum (figure 2) turned toward the trapezoid varies in the shape and structure of its articular face for that bone. This face is frequently more or less divided, as in the specimen figured, or the articular face may be on the distal part of the bone, not extending across to the scaphoid face. A large proportion of the posterior part of the face for the scaphoid is seen in the same figure. This face is strongly saddle-shaped. In the same view, is seen a third articular face, for the support, in part, of the second metacarpal. This face is narrow, and elongated from before backward, and, in the natural position of the bone, is directed obliquely downward, toward the radial side of the foot.

The posterior, or palmar, surface of the magnum (figure 3) is rough, but rounded over, and shows at the upper, or proximal, end a portion of the articular face for the lunar, carried well over on the posterior face of the bone.

The lateral surface (figure 4) turned toward the unciform presents a considerable, but varying, articular surface for union with that bone. In the specimen figured (number 1208), there is a large area extending along the entire length of the proximal, or lunar, articular face, contracting near the middle, but expanding anteriorly, so as to extend nearly, or quite, across the lateral surface of the bone. In many specimens (numbers 1195, 1218, 1219, 1230, 1516), this area is confluent with the distal articular face for the third metacarpal. In the specimen figured, however, it is, interrupted by a slight ridge at this point, beyond which, it is continued well along the margin of this articular face posteriorly. This distal backward extension of the articular face is not present in all specimens (numbers 1195, 1230), and is often much narrower than in the specimens figured (numbers 1211, 1219)

The proximal surface of the magnum (figure 5), by which it bears upon the scaphoid and lunar bones, is much elevated posteriorly in the region of the face for the lunar, but the two facets are so perfectly confluent as scarcely to be distinguished. The face for the scaphoid is strongly saddle-shaped, and does not extend quite to the anterior margin of the bone.

The face for the lunar is nearly flat, or slightly convex from side to side, sigmoid from before backward, and is carried well over to the posterior face of the bone. The variation in the form of this curve is considerable, but the specimen figured on the Plate may be regarded as a fair average, while extreme forms are represented in woodcuts 121 and 122, below. .

FIG. 121.

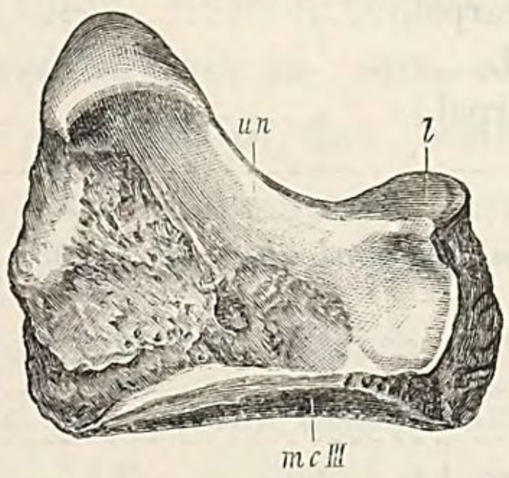

FIG. 122.

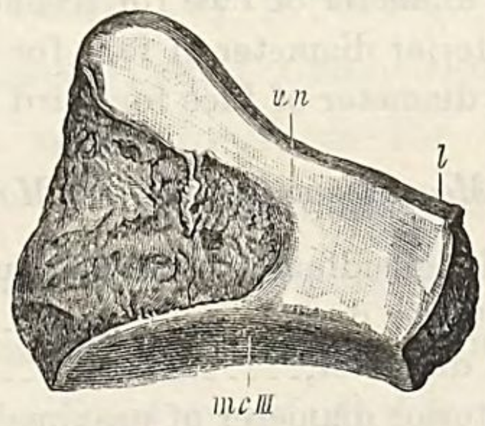

FIGURE 121.—Right magnum of *Dinoceras mirabile*, Marsh (No. 1211); side view.
FIGURE 122.—Right magnum of *Dinoceras mirabile*, (No. 1230); side view.
l. face for lunar; *mc*III. face for third metacarpal; *un.* face for unciform.
Both figures are one-half natural size.

The distal face of the magnum (Plate XXXIV, figure 6) is mostly occupied by an elongated articular face for the support, in great part, of the third metacarpal. This face is more or less moderately concave from before backward, slightly convex transversely, and is usually a little broader in front than behind. It is separated by a rounded ridge from the confluent, narrower and oblique, face lying along its radial side, and aiding in the support of the second metacarpal.

The dimensions of the magnum bone of four individuals of the *Dinocerata* are as follows:

Measurements of Left Magnum. (*Dinoceras mirabile*, No. 1208.)

	m.
Length of longitudinal axes of magnum,	.033–.062
Antero-posterior diameter,	.066
Transverse diameter,	.038
Antero-posterior diameter of proximal articular face,	.058
Transverse diameter of proximal articular face,	.030
Antero-posterior diameter of face for second metacarpal,	.046
Transverse diameter of face for second metacarpal,	.018
Antero-posterior diameter of face for third metacarpal,	.057
Transverse diameter of face for third metacarpal,	.025

Measurements of Right Magnum. (*Dinoceras mirabile*, No. 1211.)

	m.
Length of longitudinal axes of magnum,	.036–.069
Antero-posterior diameter,	.080
Transverse diameter,	.039
Antero-posterior diameter of proximal articular face,	.073
Transverse diameter of proximal articular face,	.032
Antero-posterior diameter of face for second metacarpal,	.060
Transverse diameter of face for second metacarpal,	.020
Antero-posterior diameter of face for third metacarpal,	.064
Transverse diameter of face for third metacarpal,	.027

Measurements of Right Magnum. (*Dinoceras mirabile*, No. 1195.)

	m.
Length of longitudinal axes of magnum,	.032–.062
Antero-posterior diameter,	.063
Transverse diameter,	.034
Antero-posterior diameter of proximal articular face,	.065
Transverse diameter of proximal articular face,	.027
Antero-posterior diameter of face for second metacarpal,	.050
Transverse diameter of face for second metacarpal,	.018
Antero-posterior diameter of face for third metacarpal,	.055
Transverse diameter of face for third metacarpal,	.022

Measurements of Left Magnum. (*Dinoceras mirabile*, No. 1218.)

	m.
Length of longitudinal axes of magnum,	.033–.069
Antero-posterior diameter,	.075
Transverse diameter,	.041
Antero-posterior diameter of proximal articular face,	.068
Transverse diameter of proximal articular face,	.034
Antero-posterior diameter of face for second metacarpal,	.049
Transverse diameter of face for second metacarpal,	.018
Antero-posterior diameter of face for third metacarpal,	.063
Transverse diameter of face for third metacarpal,	.031

The Unciform.

(Plate XXXIV, figures 7–12, Plate LIV, figure 1, *un*;
and woodcuts 123–124, below.)

The unciform in the *Dinocerata* is similar, in general shape and proportions, to that of Proboscidians, but is less oblique, and presents three sub-equal articular faces on its distal surface, instead of two, as in the elephant.

The exterior, or dermal, surface of the bone (Plate XXXIV, figure 7) is moderately roughened and pitted, and is regularly rounded, in the horizontal direction, through an arc but little short of a quadrant. From above downward, the surface is nearly plane.

The inner surface (figure 8), or that turned toward the magnum, is bordered above, in part, and partly below, by a smooth articular face for union with that bone. The amount and disposition of this surface vary in a manner corresponding with the faces for its union with the magnum, as before described. The proximal and anterior portions of this face are the most constant, and may be confluent along the whole margin of the proximal articular face, or may be interrupted near the middle (number 1195). The proximal part of this face may extend quite across, so as to become confluent with the face for the third metacarpal, and may then, as in the specimen figured, border that face throughout its extent, or it may even fail to reach the lower, or distal, margin of the bone at all (numbers 1509, 1525).

The posterior, or postero-interior, face of the unciform (figure 9) is quite irregular, and, when not encroached upon by articular faces, is moderately roughened.

The outer side of the bone (figure 10) is short from above downward, allowing the articular face for the pyramidal to approach that for the fifth metacarpal, as in the elephant. These faces may even be confluent for a short distance across this surface (number 1211), as in figure 123, below, or may be separated (numbers 1509 and 1525), as in figure 124.

The proximal face (Plate XXXIV, figure 11) is obliquely saddle-shaped, and presents two confluent, but distinguishable, faces, one for the lunar, and one much larger, for the pyramidal.

The face for the lunar lies along the inner, or radial, side of the proximal surface, and is sigmoid from before backwards, and transversely more or less convex. Its posterior half is considerably elevated above the anterior, to fit into a corresponding excavation in the lunar.

The face for articulation with the pyramidal is somewhat in the form of a quadrant, one side being confluent with the face for the lunar, the other side running along the outer, or posterior, margin of the bone, while the curve forms the upper limit of the dermal surface. This face is strongly saddle-shaped, concave antero-posteriorly, and convex from side to side.

The distal surface of the unciform (figure 12) bears three concave articular faces for the support of the third, fourth, and fifth metacarpals. Of these, the inner is the smallest, triangular in outline, only slightly concave, and aids the magnum in the support of the middle, or third, metacarpal.

The second, or median, articular face is the largest, and is more deeply concave than the first. It extends antero-posteriorly quite across the distal end of the bone, but is much broader in front than behind. It supports the fourth metacarpal.

The third articular face, situated upon the outer, or ulnar, side of the distal end of the unciform, is more strongly concave antero-posteriorly than either of the others, and is nearly as broad behind, or on its palmar margin, as in front. It is oblique to the axis of the bone, and, as already mentioned, may even be confluent for a short distance with the proximal face for the pyramidal, as shown in figure 123, below.

The unciform bone in two individuals of the *Dinocerata* is represented in the woodcuts below. The specimens figured show marked differences, but whether these are constant in all the species of the two genera cannot at present be determined. This is the case, also, with other carpal bones.

FIG. 123.

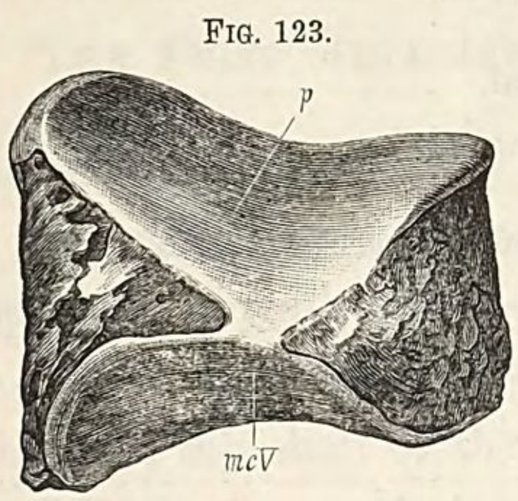

FIG. 124.

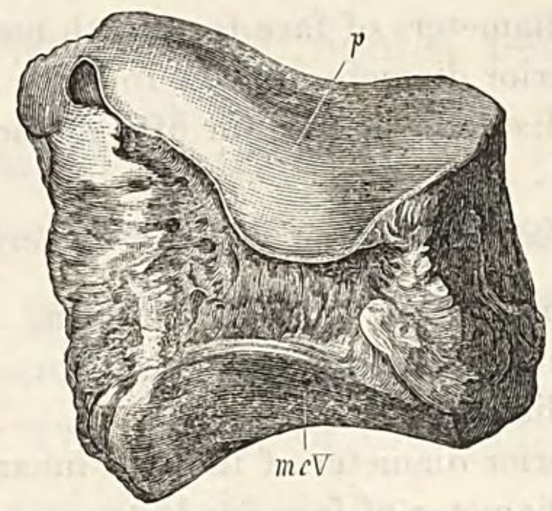

FIGURE 123.—Right unciform of *Dinoceras mirabile*, Marsh (No. 1211); side view.
FIGURE 124.—Right unciform of *Tinoceras ingens*, Marsh (No. 1509); side view.
*mc*V. face for fifth metacarpal; *p*. face for pyramidal.
Both figures are one-half natural size.

Four specimens of the unciform bone from different individuals of *Dinocerata* have the following dimensions:

Measurements of Left Unciform. (*Dinoceras mirabile*, No. 1208.)

	m.
Length of longitudinal axes of unciform,	.041–.068
Antero-posterior diameter,	.068
Transverse diameter,	.086
Antero-posterior diameter of lunar articular face,	.062
Transverse diameters of lunar articular face,	.020–.024
Antero-posterior diameter of face for pyramidal,	.060
Transverse diameter of face for pyramidal,	.055
Antero-posterior diameter of face for third metacarpal,	.050
Transverse diameter of face for third metacarpal,	.025
Antero-posterior diameter of face for fourth metacarpal,	.056
Transverse diameters of face for fourth metacarpal,	.021–.043
Antero-posterior diameter of face for fifth metacarpal,	.048
Transverse diameters of face for fifth metacarpal,	.020–.025

Measurements of Right Unciform. (*Dinoceras mirabile*, No. 1195.)

	m.
Length of longitudinal axes of unciform,	.038–.065
Antero-posterior diameter,	.067
Transverse diameter,	.079
Antero-posterior diameter of face for lunar,	.059
Transverse diameter of face for lunar,	.019
Antero-posterior diameter of face for pyramidal,	.061
Transverse diameter of face for pyramidal,	.068
Antero-posterior diameter of face for third metacarpal (approximate),	.052
Transverse diameter of face for third metacarpal,	.026

	m.
Antero-posterior diameter of face for fourth metacarpal,	.055
Transverse diameters of face for fourth metacarpal,	.013–.044
Antero-posterior diameter of face for fifth metacarpal,	.041
Transverse diameter of face for fifth metacarpal,	.023

Measurements of Right Unciform. (*Dinoceras mirabile*, No. 1247.)

	m.
Length of longitudinal axes of unciform,	.046–.073
Antero-posterior diameter,	.084
Transverse diameter,	.091
Antero-posterior diameter of face for lunar,	.070
Transverse diameter of face for lunar,	.023
Antero-posterior diameter of face for pyramidal,	.073
Transverse diameter of face for pyramidal,	.083
Antero-posterior diameter of face for third metacarpal (approximate),	.057
Transverse diameter of face for third metacarpal,	.029
Antero-posterior diameter of face for fourth metacarpal,	.070
Transverse diameters of face for fourth metacarpal,	.019–.048
Antero-posterior diameter of face for fifth metacarpal,	.055
Transverse diameter of face for fifth metacarpal,	.025

Measurements of Right Unciform. (*Tinoceras ingens*, No. 1509.)

	m.
Length of longitudinal axes of unciform (approximate),	.051–.085
Antero-posterior diameter,	.080
Tranverse diameter,	.098
Antero-posterior diameter of face for pyramidal (approximate),	.070
Transverse diameter of face for pyramidal,	.077
Antero-posterior diameter of face for third metacarpal,	.057
Transverse diameter of face for third metacarpal,	.027
Antero-posterior diameter of face for fourth metacarpal,	.067
Transverse diameters of face for fourth metacarpal,	.016–.055
Antero-posterior diameter of face for fifth metacarpal,	.056
Transverse diameter of face for fifth metacarpal,	.030

The Metacarpal Bones.

(Plates XXXV, XXXVI, XXXVII, and Plate LIV, figure 1.)

The metacarpal bones in the *Dinocerata* are short and robust. They are five in number, and each represents a well developed digit. Their general form and position in the foot of *Dinoceras mirabile* are shown in Plate LIV, figure 1, and also in the restoration of this species, Plate LV.

THE FIRST METACARPAL. (Plate XXXV, figures 1–6.)

The metacarpal bone of the first, or inner, digit, the pollex, is a robust, and usually short bone, proportionally much stronger than in the elephant. In all the specimens preserved, the epiphyses, whether present on one end only, or on both ends, as in the elephant, are firmly coössified with the shaft of the bone. The surface of the bone, as shown in Plate XXXV, figures 1–4, is rough and very irregular.

The proximal articular face (figure 5) is nearly elliptical in outline, and is flattened, but elevated, near the middle of the palmar side of the margin. On some specimens, there is a distinct oval face for contact with the second metacarpal. This face is raised upon a large tubercular elevation, and may, or may not, be in contact with the proximal articular face.

The distal end (figure 6) presents a flattened, and somewhat concave, face for the phalangeal bone, and two broad, oblique grooves for the sesamoids.

Three first metacarpals of *Dinoceras* have their principal dimensions as follows:

Measurements of First Metacarpal. (*Dinoceras mirabile*, No. 1208.)

	m.
Total length of first metacarpal,	.063
Diameters of proximal articular face (approximate),	.025–.044
Diameters of face for phalanx,	.027–.034

Measurements of First Metacarpal. (*Dinoceras mirabile*, No. 1211.)

	m.
Total length of first metacarpal,	.098
Diameters of proximal articular face (approximate),	.030–.050
Diameters of face for phalanx,	.037–.043
Diameters of face for second metacarpal,	.020–.022

Measurements of First Metacarpal. (*Dinoceras*, No. 1526.)

	m.
Total length of first metacarpal,	.056
Diameters of proximal articular face (approximate),	.026–.044
Diameter of face for phalanx,	.030

THE SECOND METACARPAL. (Plate XXXV, figures 7–12.)

The metacarpal supporting the second digit in the *Dinocerata* is nearly twice as long as the first, but not greatly wider, nor thicker. The shaft is strongly roughened and tuberculated near each end, as shown in Plate XXXV, figures 7–10, while the middle portion is much smoother.

The proximal end of the bone presents three distinct, but confluent, articular faces, of which the first, beginning on the radial side, is the largest. It met the trapezoid, and furnished the principal support of that bone. This face, shown in figure 11, is oblique to the axis of the bone, throwing it, in its natural position, well toward the radial side of the manus. It is a little broader, and more oblique, above than below, and is slightly concave in both directions.

A second adjoining face, shorter and smaller, shown also in figure 11, is nearly perpendicular to the axis of the bone, slightly narrowed behind, and convex in both directions. In life, this face articulated with the oblique distal face of the magnum.

A third face, on the ulnar side of the bone at the proximal end, shown best in figure 10, articulated with a similar face on the adjoining third metacarpal.

The distal end of the bone (figure 12) bears a broadly oval, only slightly convex, articular face for the phalanx. This is encroached upon below, by the broad, shallow grooves for sesamoid bones.

The principal dimensions of the second metacarpal represented in Plate XXXV are as follows:

Measurements of Second Metacarpal. (*Dinoceras mirabile*, No. 1208.)

	m.
Total length of second metacarpal,	.102
Diameters of proximal end,	.039–.065
Diameters of distal end,	.046–.058
Diameters of shaft,	.030–.040
Antero-posterior diameter of face for trapezoid,	.050
Transverse diameters of face for trapezoid,	.020–.023
Antero-posterior diameter of face for magnum,	.046
Transverse diameters of face for magnum,	.012–.018
Antero-posterior diameter of face for third metacarpal,	.040
Diameters of face for phalanx,	.025–.041

THE THIRD METACARPAL. (Plate XXXVI, figures 1–6.)

The third metacarpal resembles the second in general size and shape, but may be readily distinguished from it by the presence, on the proximal end, of four, instead of three, articular faces. Like that bone, it is rough and tuberculated, especially near the ends. It bears, also, a rugose surface not far above the middle of its shaft on the ulnar side, best shown in Plate XXXVI, figures 1 and 3.

Of the four proximal articular faces, the first, beginning on the radial side is almost entirely on the lateral surface of the bone, as represented in figure 2. In life, it moved upon a corresponding face on the adjoining second metacarpal. It is confluent, along its proximal margin, with the second articular face, which is the largest of the four, and articulated with the principal distal face of the magnum.

This face, shown in figures 2 and 5, extends with parallel sides across the proximal end of the bone, from before backward. It is concave from side to side, though slightly convex antero-posteriorly, and formed, during life, the principal support of the bone. Its plane is more inclined to the axis of the bone than is that of the third face, which, in life, rested on the unciform.

The third face, best shown in figure 5, is large and triangular, the apex of the triangle being turned posteriorly, or toward the palmar surface of the manus. This face articulated with the unciform. It is convex in both directions, and, being more nearly perpendicular to the axis of the metacarpal than is the face for the magnum, must have contributed, during life, nearly as much to its support.

The face for the unciform is confluent along its entire outer, or ulnar, margin with a fourth, broad articular face on the side of the bone (figure 4), which, in life, met a corresponding face on the fourth metacarpal.

The distal end of the bone (figure 6) supports a moderately convex face for the phalangeal articulation, placed well upon the upper surface of the bone, and scarcely extending as low as the middle of the distal end. Here, it is met by the broad and shallow grooves, in which a pair of

sesamoid bones moved during life. The ridge between these grooves is nearly obsolete in front, but well developed posteriorly.

The more important measurements of two third metacarpals of *Dinoceras* are given below.

Measurements of Third Metacarpal. (*Dinoceras mirabile*, No. 1208.)

	m.
Total length of third metacarpal,	.114
Diameters of proximal end,	.052–.062
Diameters of distal end,	.044–.054
Diameters of shaft,	.031–.042
Antero-posterior diameter of face for second metacarpal,	.040
Transverse diameter of face for second metacarpal,	.015
Antero-posterior diameter of face for magnum,	.056
Transverse diameter of face for magnum,	.022
Antero-posterior diameter of face for unciform,	.050
Transverse diameter of face for unciform,	.030
Antero-posterior diameter of face for fourth metacarpal,	.050
Transverse diameter of face for fourth metacarpal,	.025
Diameters of face for phalanx,	.025–.042

Measurements of Third Metacarpal. (*Dinoceras mirabile*, No. 1529.)

	m.
Diameters of proximal end of third metacarpal,	.044–.073
Diameters of shaft,	.032–.040
Antero-posterior diameter of face for second metacarpal,	.043
Transverse diameter of face for second metacarpal,	.014
Antero-posterior diameter of face for magnum,	.069
Transverse diameter of face for magnum,	.025
Antero-posterior diameter of face for unciform (approximate),	.055
Transverse diameter of face for unciform,	.030
Antero-posterior diameter of face for fourth metacarpal,	.059
Transverse diameter of face for fourth metacarpal,	.015–.018

The Fourth Metacarpal.

(Plate XXXVI, figures 7–9, and Plate XXXVII, figures 1–3.)

The fourth metacarpal in the *Dinocerata* is a robust bone, like the second and third of the series. It may be easily distinguished by the broad, sub-triangular, convex articular face, at right angles with the axis of the bone, and covering its entire proximal end.

The surface of the bone is roughened towards the ends, but smoother along the shaft, as shown in Plate XXXVI, figures 7 and 8, and Plate XXXVII, figures 1 and 2. It is considerably extended antero-posteriorly near the proximal end, but is constricted at the middle.

The proximal end (Plate XXXVII, figure 3) is almost completely covered by the articular face for the unciform bone, by which the fourth metacarpal was entirely supported. This face is convex in both directions, and broad in front. It becomes much narrower behind, or toward the palmar side of the manus, so as to appear triangular, but does not come quite to a point. Along each side, it is confluent with narrow faces, nearly at right angles with the main surface, which joined, during life, corresponding faces on the third and fifth metacarpals.

The largest of these lateral faces, shown in Plate XXXVI, figure 8, extends along the entire margin of the unciform face on its radial side, and was adapted to the third metacarpal.

On the opposite, or ulnar, side (Plate XXXVII, figure 2), a smaller and shorter face, sometimes, as in the specimen figured, much larger anteriorly, was adapted, during life, to the fifth metacarpal.

The distal end of the bone (Plate XXXVI, figure 9) presents a rounded, and but slightly convex, face for the phalanx, and below are shallow grooves for the two sesamoid bones.

Measurements of the fourth metacarpal bone in four specimens of the *Dinocerata* are as follows:

Measurements of Fourth Metacarpal. (*Dinoceras mirabile*, No. 1211.)

	m.
Total length of fourth metacarpal,	.131
Diameters of proximal end,	.050–.081
Diameters of distal end,	.052–.044
Diameters of shaft (approximate),	.038–.041
Antero-posterior diameter of face for unciform,	.076
Transverse diameters of face for unciform,	.022–.048
Antero-posterior diameter of face for third metacarpal,	.062
Transverse diameters of face for third metacarpal,	.013–.022
Antero-posterior diameter of face for fifth metacarpal,	.052
Transverse diameters of face for fifth metacarpal,	.060–.022
Diameters of face for phalanx,	.035–.040

Measurements of Fourth Metacarpal. (*Dinoceras lucare*, No. 1038.)

	m.
Total length of fourth metacarpal,	.117
Diameters of proximal end,	.047–.064
Diameters of distal end,	.054–.041
Diameters of shaft (approximate),	.027–.039
Antero-posterior diameter of articular face for unciform (approximate),	.060
Transverse diameters of articular face for unciform (approximate),	.021–.040
Antero-posterior diameter of articular face for third metacarpal (approximate),	.050
Transverse diameters of articular face for third metacarpal (approximate),	.012–.020
Antero-posterior diameter of articular face for fifth metacarpal,	.042
Transverse diameters of articular face for fifth metacarpal (approximate),	.080–.018
Diameters of articular face for phalanx,	.032–.042

Measurements of Fourth Metacarpal. (*Dinoceras*, No. 1523.)

	m.
Total length of fourth metacarpal,	.096
Diameters of proximal end (approximate),	.040–.061
Diameters of distal end,	.045–.034
Diameters of shaft (approximate),	.020–.033
Antero-posterior diameter of articular face for unciform,	.058
Transverse diameter of articular face for unciform,	.040
Antero-posterior diameter of articular face for fifth metacarpal,	.042
Transverse diameters of articular face for fifth metacarpal,	.040–.017
Diameters of articular face for phalanx,	.023–.039

Measurements of Fourth Metacarpal. (*Tinoceras ingens*, No. 1219.)

	m.
Total length of fourth metacarpal,	.117
Diameters of proximal end,	.054–.071
Diameters of shaft (approximate),	.028–.040
Antero-posterior diameter of articular face for unciform,	.064
Transverse diameter of articular face for unciform (approximate),	.048
Antero-posterior diameter of articular face for third metacarpal,	.055
Transverse diameters of articular face for third metacarpal,	.014–.019
Antero-posterior diameter of articular face for fifth metacarpal,	.047
Transverse diameter of articular face for fifth metacarpal,	.020
Diameters of articular face for phalanx,	.030–.042

The Fifth Metacarpal. (Plate XXXVII, figures 4–9.)

The specimens of the fifth metacarpal in the Yale Museum are, unfortunately, all more or less distorted by pressure, and hence fail to fully represent this element of the manus. The bone is well developed, scarcely smaller than the third and fourth, and considerably surpasses the first in length. Like the other bones of the metacarpal series, it is rough and tubercular, especially toward the ends.

The proximal end (Plate XXXVII, figure 8) presents three articular faces, of which the main and middle one, for the support of the bone upon the unciform, is strongly convex. The convexity is carried through a considerable arc in the antero-posterior direction, to correspond with the outer, and most concave facet, on the unciform bone, to which it is adapted. This surface is bordered, on the inner, or radial side, by a face, broadest anteriorly, for motion on the fourth metacarpal. Behind, and on the outer, or ulnar, side of the principal articular face, is a much smaller face, which, in life, moved upon a corresponding articulation on the distal end of the pyramidal.

In some specimens, the shape of the unciform, as shown on page 119, figure 124, would seem to make this impossible, and doubtless this face will not be found to be constantly present on the fifth metacarpal.

The distal end of the bone (Plate XXXVII, figure 9) presents, as usual, a round, or oval, face for articulation with the phalanx, and shallow grooves below for a pair of sesamoids.

The specimens preserved are so much distorted that measurements would be of comparatively little value.

The Phalanges. (Plate XXXVIII, and Plate LIV, figure 1.)

The phalanges in the fore foot of the *Dinocerata* are very short, and comparatively small. Their general characters are shown in the Plates cited above, as well as in the restorations given in Plates LV and LVI.

The proximal phalanges (Plate XXXVIII, figures 1 and 2) are much the largest. The proximal surface has no central groove, and is adapted to the comparatively smooth face on the distal end of the metacarpals.

The median phalanges (figures 3 and 4) are much shorter than those described above. Their proximal articular faces are nearly flat, and the distal ones, smaller, and more concave transversely.

The ungual phalanges (figures 5 and 6) are larger than those of the median series, and, with the exception of the small articular face, their surfaces are very rugose.

CHAPTER IX.

THE RIBS AND STERNUM.

(Plates XXXIX, XL, LV, and LVI.)

The ribs in the *Dinocerata* present no special characters of importance. Their general features are well shown in the illustrations above cited, especially in the restorations at the end of the volume.

The First Rib.

(Plate XXXIX, figures 1–3.)

The first rib in the *Dinocerata* has a general resemblance to the corresponding bone in the mastodon. It is, however, proportionally shorter, and more flattened at the sternal end.

This rib presents a well rounded articular face to the first dorsal vertebra, and, confluent with this, on the anterior side of the head, is another strongly convex face, for articulation with a well developed facet near the posterior margin of the last cervical vertebra.

The tubercular articulation is but little elevated above the capitular. It is convex from before backward, concave from side to side, and looks almost perpendicularly upward, being directed but very slightly backward. The tubercle of the rib extends outward beyond the articular face.

The shaft is moderately roughened, more especially on its anterior, or outer, surface. The sternal face is so strongly flattened and expanded that the external border of the rib shows only a very moderate degree of curvature. The inner border, however, is strongly curved, mostly in the upper half of the bone.

THE ANTERIOR DORSAL RIBS. (Woodcuts 125–132, below.)

The second rib in one species of *Uintatherium* is represented in the figures below.

FIG. 125.

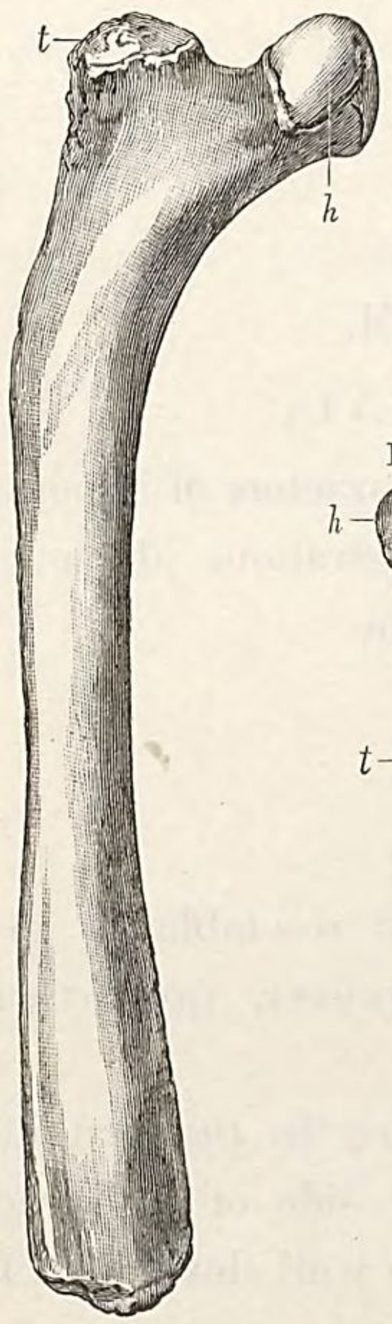

FIG. 126.

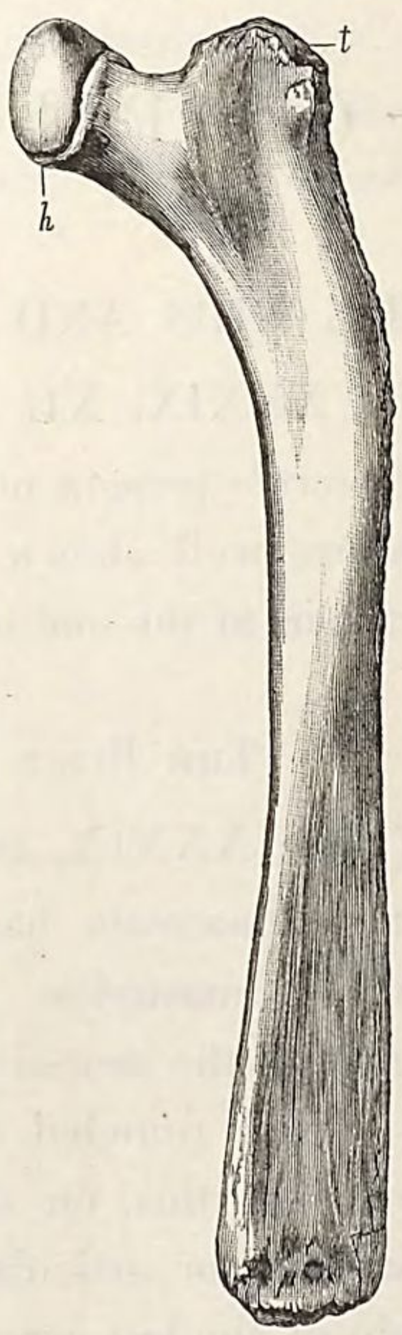

FIG. 127.

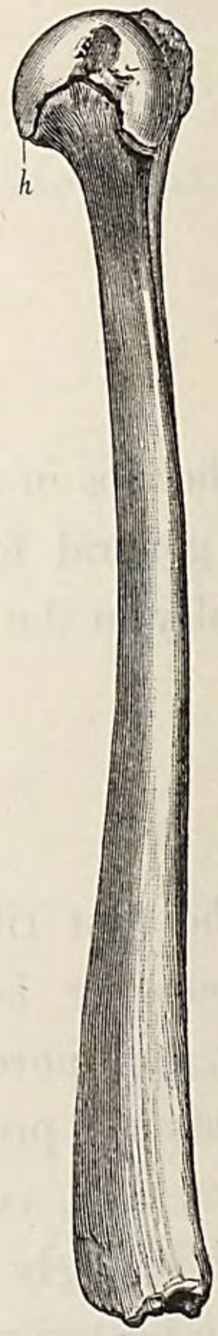

FIG. 128.

FIGURE 125.—Second rib of *Uintatherium latifrons*, Marsh (No. 1231); posterior view.
FIGURE 126.—The same rib; front view.
FIGURE 127.—The same rib; inner view.
FIGURE 128.—The same rib; proximal end.
h. head; *t.* tubercle.

All the figures are one-fourth natural size.

The second rib is much longer, and less robust, than the first, above described. The head is large, and the two articular faces on it are confluent. The tubercle is well developed, and at nearly the same level as the head. The shaft is only moderately curved, and considerably compressed. The distal end is flattened, and wider than the shaft.

The ribs behind the second gradually increase in length, and become more curved. The head remains large, and its articular faces are usually separated from each other, as shown in figures 129–132, below.

FIG. 129.

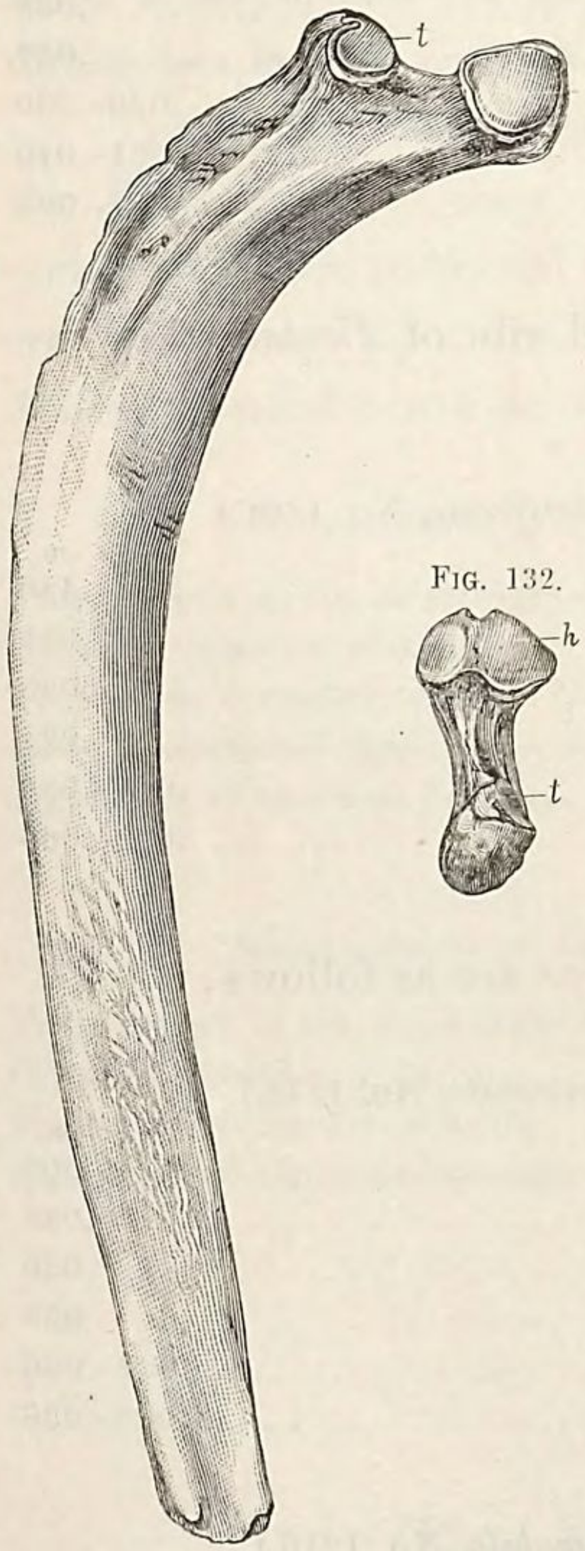

FIG. 130.

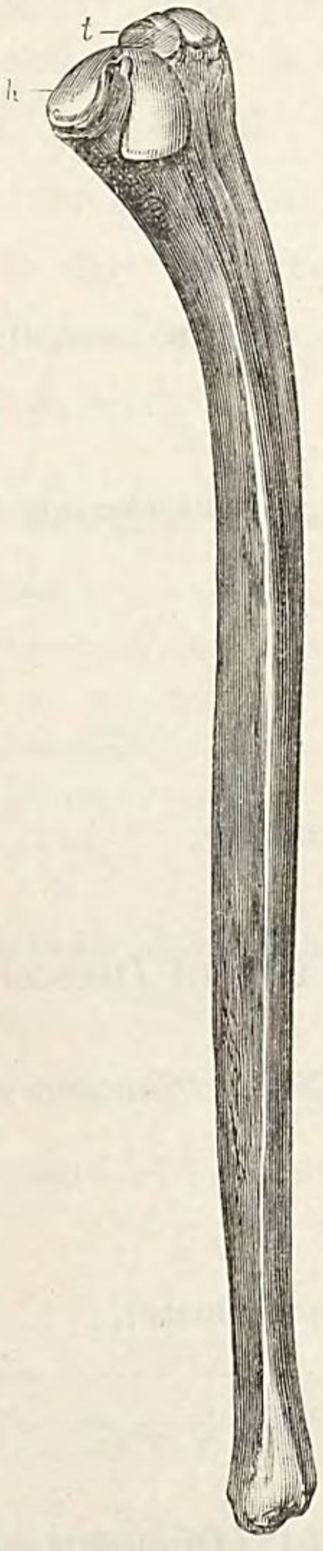

FIG. 131.

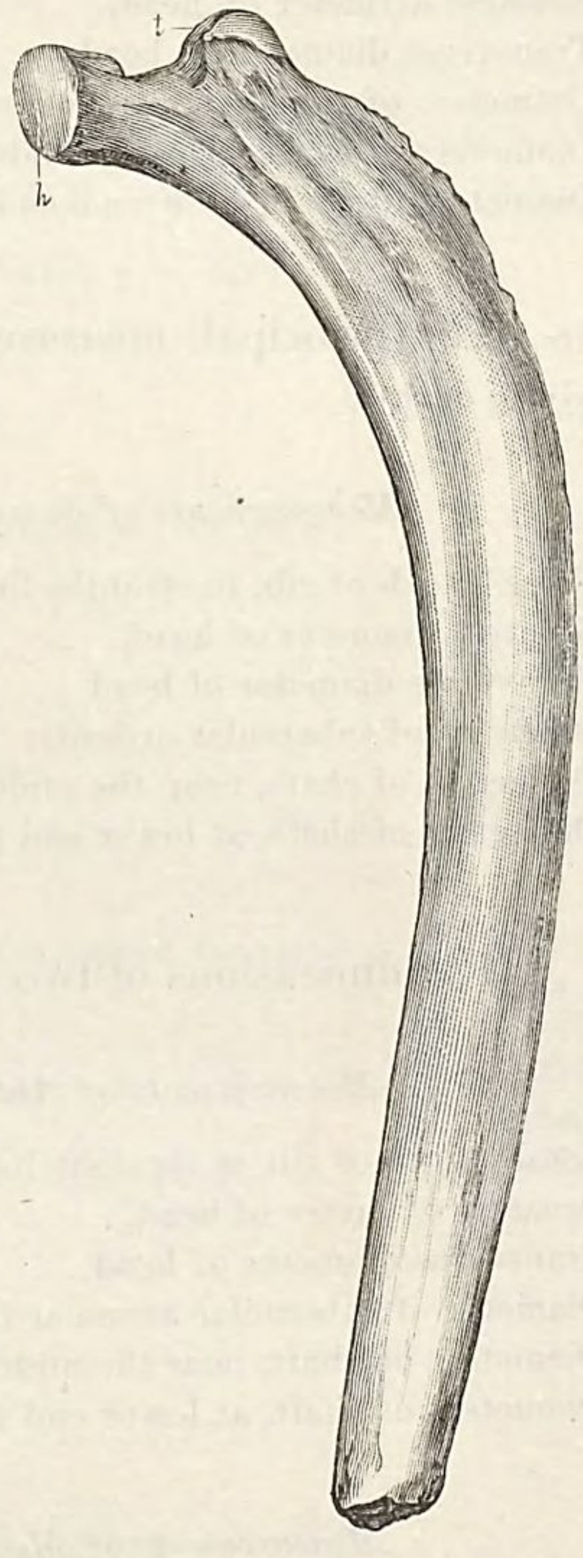

FIG. 132.

FIGURE 129.—Anterior rib of *Dinoceras mirabile*, Marsh (No. 1212); posterior view.
FIGURE 130.—The same rib; inner view.
FIGURE 131.—The same rib; front view.
FIGURE 132.—The same rib; proximal end.
h. head; *t.* tubercle.

All the figures are one-fourth natural size.

The main dimensions of the first rib in one individual of *Dinoceras mirabile* are as follows:

Measurements of First Rib. (*Dinoceras mirabile*, No. 1251.)

	m.
Total length of rib,	.320
Greatest diameter of head,	.038
Transverse diameter of head,	.032
Diameters of tubercular articulation,	.020–.030
Diameters of shaft, near the middle,	.021–.040
Diameters of shaft, at sternal end,	.027–.095

The principal measurements of the second rib of *Uintatherium* are given below.

Measurements of Second Rib. (*Uintatherium latifrons*, No. 1231.)

	m.
Total length of rib, in straight line,	.440
Greatest diameter of head,	.055
Transverse diameter of head,	.030
Diameter of tubercular articular face,	.024
Diameters of shaft, near the middle,	.020–.039
Diameters of shaft, at lower end (approximate),	.025–.060

The dimensions of two dorsal ribs of *Dinoceras* are as follows:

Measurements of Anterior Rib. (*Dinoceras mirabile*, No. 1212.)

	m.
Total length of rib, in straight line,	.500
Greatest diameter of head,	.048
Transverse diameter of head,	.036
Diameter of tubercular articular face (approximate),	.023
Diameters of shaft, near the middle,	.022–.060
Diameters of shaft, at lower end (approximate),	.025–.038

Measurements of Median Rib. (*Dinoceras mirabile*, No. 1210.)

	m.
Total length of rib, in a straight line,	.605
Diameters of head,	.047–.058–.065
Diameters of neck,	.034–.039
Diameters of shaft,	.017–.057

The Posterior Ribs. (Plate XXXIX, figures 4–9.)

The posterior ribs gradually diminish in length, and become more slender, but the curvature is still strongly marked. In most of them, the head is large, and the two articular faces on it, distinct. The tubercle diminishes in size, and toward the last is a mere sessile articular face.

The sternal ribs are not preserved in any of the known specimens of the *Dinocerata*, and they were probably unossified. Their general form and position are indicated in the restorations, Plates LV and LVI.

The more important dimensions of two posterior ribs in the type of *Dinoceras mirabile* are the following:

Measurements of Dorsal Rib. (*Dinoceras mirabile*, No. 1036.)

	m.
Total length of rib, in straight line,	.530
Greatest diameter of head,	.052
Transverse diameter of head,	.037
Least diameter of shaft, near the middle,	.015
Diameters of shaft, at broadest point,	.025–.060

Measurements of Posterior Rib. (*Dinoceras mirabile*, No. 1036.)

	m.
Total length of rib, in straight line,	.520
Greatest diameter of head,	.056
Transverse diameter of head,	.062
Diameters of shaft, at broadest point,	.016–.051

The Sternum.

(Plate XL; and woodcut 133, below.)

Sternal bones are preserved in a number of individuals of the *Dinocerata* in the Yale Museum, but the entire series in any one individual has not been recovered. The general form and character of these bones are shown in the figures, Plate XL. A series in the natural position is represented in the woodcut below.

The most marked character of these bones in the *Dinocerata* is that they are flat and horizontal, as in the Artiodactyls, and not vertical, as in the Proboscidians, and the Perissodactyls. The first bone of the series, or the pre-sternum, is compressed, pointed in front, and, at this end, has two distinct facets for the first pair of ribs. This bone is shown in Plate XL, figures 1, 2, and 3.

The bones which follow, and compose the meso-sternum, are broad and flat, somewhat constricted near the middle, with the ends more or less convex. The anterior ends are usually strongly convex, while the posterior extremities may be nearly flat.

Two examples of these median sternal bones are shown in the same Plate, figures 4–9, as well as in the woodcut below.

FIG. 133.

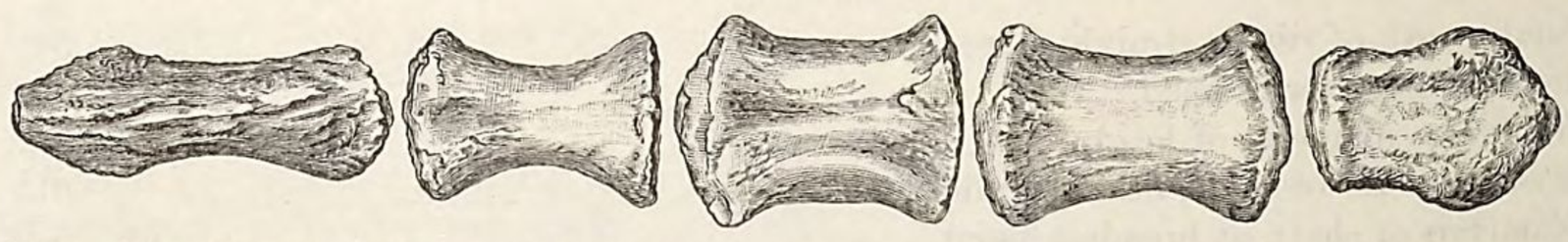

FIGURE 133.—Sternum of *Dinoceras mirabile*, Marsh; top view.
One-fifth natural size.

The last sternal bone of the series, or the xiphi-sternum, is also broad and flat, but has the posterior extremity pointed. This bone is shown in figures 10–12, of the same Plate.

The surface of all the sternal bones is quite rugose, and the extremities are deeply pitted for union with the cartilage that held them in position.

No indication of clavicles has been observed.

CHAPTER X.

THE PELVIC ARCH AND TAIL.

(Plates XLI, XLII, XLIII, LV, and LVI.)

The Pelvis.

(Plates XLI–XLII; and woodcuts 134–135, below.)

In all the known specimens of the *Dinocerata* in which the pelvic arch is preserved, the ilium, ischium, and pubis are firmly coösified with each other, but not with the sacrum. The three pelvic bones on each side unite with each other earlier, and much more closely, than they do with the sacrum above, or with the opposite pelvic bones below. The sutures for the latter union remained open until the animal was fully adult, and, even then in some specimens, were readily separated. These features are well shown in Plate XLI.

The pelvis of *Dinoceras* may be compared with that of the elephant, to which it bears a considerable resemblance, but from which it differs in many important particulars.

The ilia are much expanded, and nearly quadrant-shaped in outline, the supra-iliac border being very regularly curved, and only moderately thickened near its union with the acetabular border, which it joins at about a right angle. The iliac surface is moderately concave in both directions, especially near the surface for union with the sacrum.

The gluteal surface is nearly flat where most expanded, but becomes convex in the acetabular region. It rises but little above the sacral articular surface, which is short, somewhat triangular in outline, and

presents a strong union with the transverse processes of the first two sacral vertebræ.

The ilia are more rounded in outline, and the pubes are less firmly united at the symphysis, than in the mastodon. The ischia, also, do not unite at all, as in that animal, but are rounded off, and distant from each other.

FIG. 134.

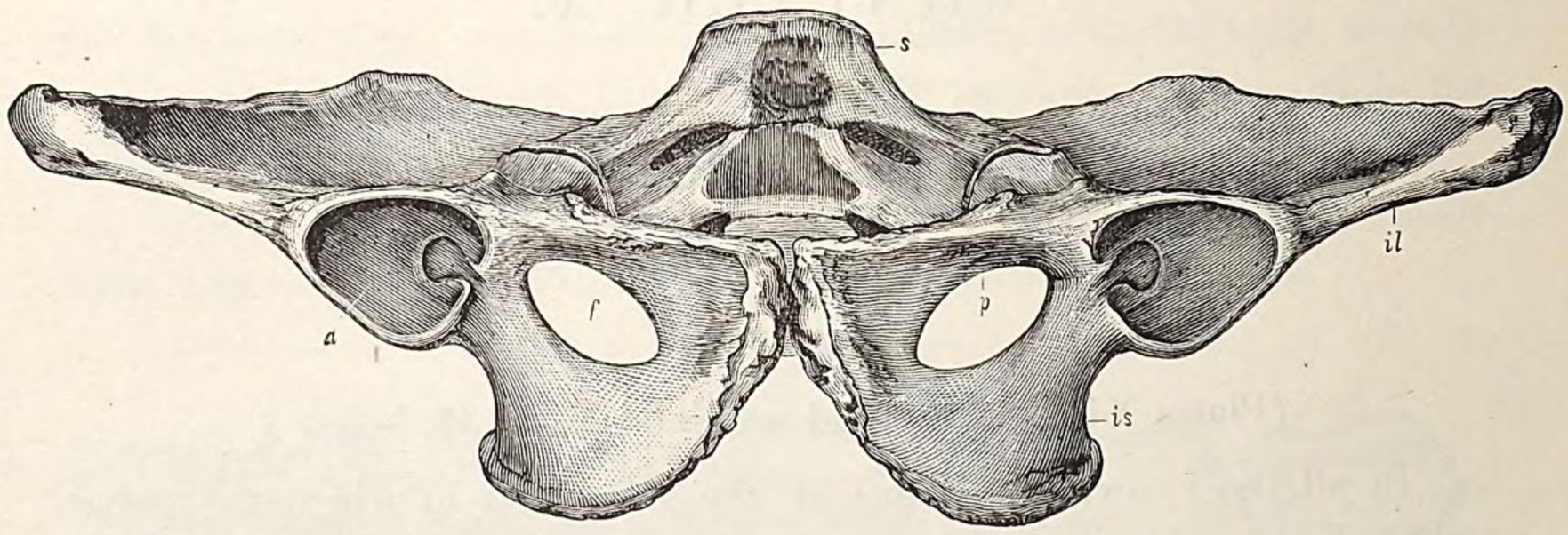

FIGURE 134.—Pelvis of *Tinoceras ingens*, Marsh (No. 1497); seen from below.

FIG. 135.

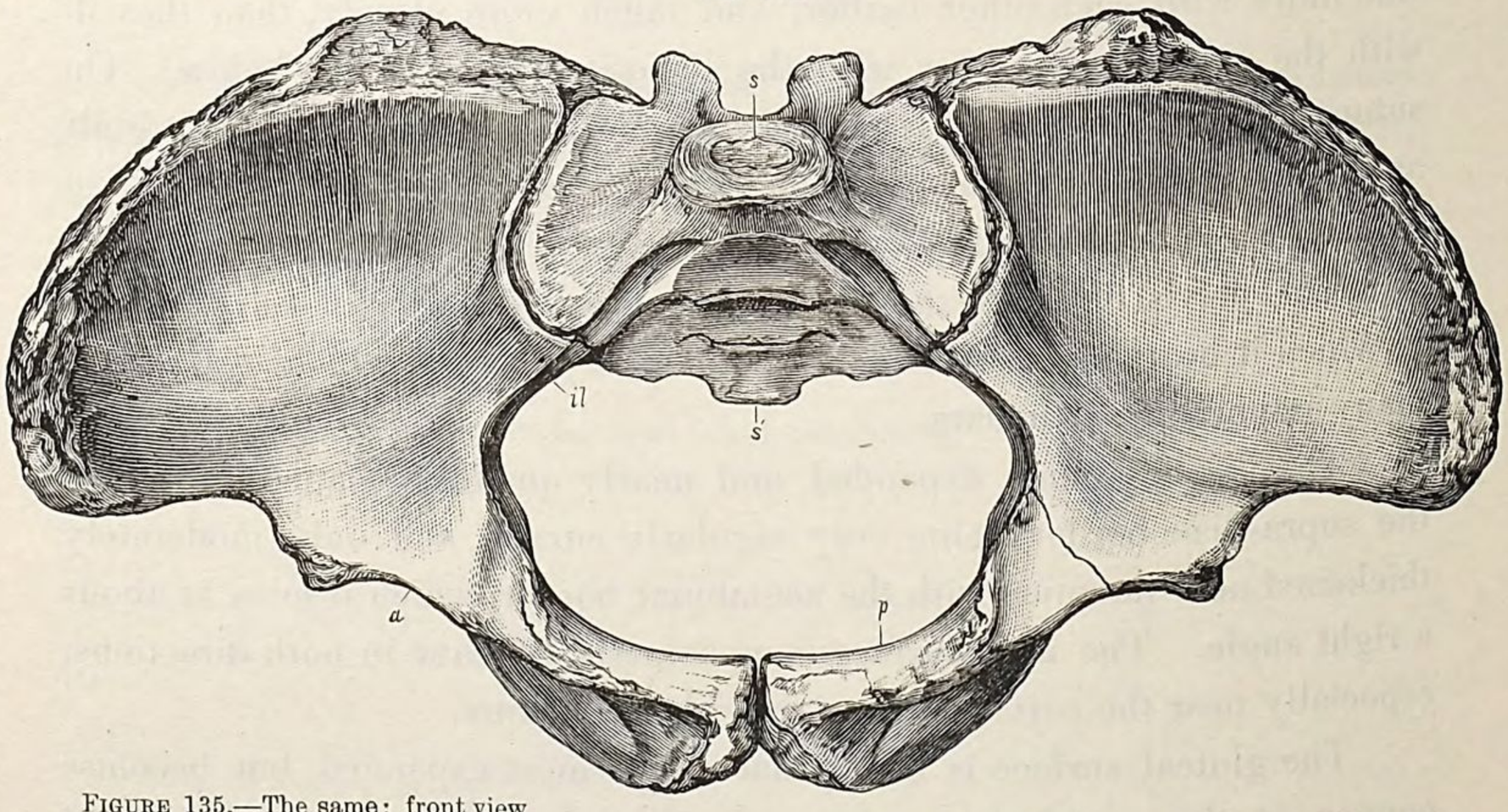

FIGURE 135.—The same; front view

a. acetabulum; *f.* thyroid foramen; *il.* ilium; *is.* ischium; *p.* pubis; *s.* anterior end of sacrum; *s'.* posterior end of sacrum.

Both figures are one-eighth natural size.

The pelvic arch in *Tinoceras* is similar, in its general features, to that of *Dinoceras*, but presents various differences which are apparent in comparing the figures 134 and 135, above, with the corresponding views of the type specimen of *Dinoceras mirabile* represented in Plate XLI.

The sacrum in *Dinoceras* differs from that of *Mastodon Americanus* in having four sacral vertebræ instead of five, and much larger transverse processes, for articulation with the ilia. The foramina between these processes are also proportionally much larger. Only the first two of the processes unite strongly with the ilium, instead of four, as in the mastodon. Both the sacrum, and the face for attachment to the ilium, are proportionally much shorter than in the mastodon.

The more important dimensions of the pelvic arch in the type specimen of *Dinoceras mirabile*, and in one individual of *Tinoceras ingens*, are the following:

Measurements of Pelvis. (*Dinoceras mirabile*, No. 1036.)

	m.
Greatest transverse diameter, across ilia,	1.120
Horizontal diameter of pelvic opening (approximate),	.350
Vertical diameter of pelvic opening (approximate),	.250
Diameter across acetabula,	.660
Diameters of acetabulum,	.110–.125
Diameters of thyroid foramen,	.075–.150
Length of symphysis pubis,	.140
Length of four sacral vertebræ (approximate),	.245
Extent of transverse processes of first sacral,	.330
Horizontal diameter of anterior face of first sacral,	.110
Vertical diameter of anterior face of first sacral,	.075
Length of first sacral centrum,	.075

Measurements of Pelvis. (*Tinoceras ingens*, No. 1497.)

	m.
Greatest transverse diameter, across ilia,	1.180
Horizontal diameter of pelvic opening (approximate),	.400
Vertical diameter of pelvic opening (approximate),	.300
Diameter across acetabula,	.700
Diameters of thyroid foramen,	.060–.150
Length of symphysis pubis,	.140
Length of four sacral vertebræ,	.295
Extent of transverse processes of first sacral,	.355
Horizontal diameter of anterior face of first sacral,	.117

	m.
Vertical diameter of anterior face of first sacral,	.072
Length of centrum of first sacral,	.085
Length of centrum of second sacral,	.075
Length of centrum of third sacral,	.065
Length of centrum of fourth sacral,	.067

The Caudal Vertebræ.

(Plate XLIII; and woodcut 136, below.)

The anterior caudal vertebræ of the *Dinocerata* have the centra short and flat, with long and depressed transverse processes. The neural spine is only moderately developed. The neural arch is low, and situated on the anterior two-thirds of the centra. The zygapophyses are weak, and their articular faces usually curved.

In the median caudals, the transverse processes become shorter, and gradually disappear.

The distal caudals are cylindrical, and of moderate length. They are without zygapophyses, or neural arches, as seen in figure 136, below.

Fig. 136.

Figure 136.—Caudal vertebra of *Dinoceras laticeps*, Marsh (No. 1039).
a. proximal end; *b*. side view; *c*. distal end.
All the figures are one-half natural size.

The under surface of the caudal vertebræ is rugose, and there are no chevron bones.

CHAPTER XI.

THE HIND LIMBS.

(Plates XLIV, XLV, XLVI, LV, and LVI.)

The hind limbs of the *Dinocerata* have a general resemblance to those of Proboscidians, but the bones composing them are comparatively shorter, and more robust. When the animal was standing at rest, the posterior limb formed a strong and nearly vertical column. The contrast in this respect between the hind and the fore limb has already been stated, in the description of the latter in Chapter VII.

The Femur. (Plate XLIV; and woodcuts 137–138, below.)

The femur in the *Dinocerata* is proportionally shorter than in the elephant. It is much smoother throughout than the humerus, and is also somewhat longer than that bone.

The head of the femur is hemispherical, and its axis makes an angle of about fifteen degrees with the axis of the shaft of the bone. The diameter of the head is contained about five and one-half times in the length of the femur. There is no indication of any pit for the round

ligament, as is seen in Plate XLIV, figure 3 *a*. The great trochanter scarcely rises above the base of the head. It is flattened, and posteriorly is excavated below.

The upper end of the shaft is broad, flattened in a fore and aft direction, and is excavated behind, especially below the great trochanter. It contracts in transverse diameter gradually to a minimum, near the middle of the shaft, and just below the trochanter minor, where it is flattened behind, but strongly rounded in front. Below this point, it becomes flat behind, and, lower still, is excavated, while the anterior surface is rounded throughout. The anterior and posterior surfaces of the bone, along the inner side, pass into each other by gradual curvature, except in the region of the trochanter minor. The latter process is less than one-third of the way down the shaft, and somewhat stronger than in the elephant. There is no third trochanter.

The curved front surface of the femur is separated from the flattened posterior face by a rounded ridge, extending along the outer and posterior sides nearly the entire length of the shaft. This ridge sharply separates the two faces, but nowhere rises conspicuously above the general surface of the bone, and disappears near the proximal end. Near the distal end, the surface is roughened, but is destitute of the conspicuous fossa above the outer condyle, seen in the horse and the hippopotamus.

The condyles resemble those of the elephant, and, as in that animal, are so placed upon the end of the shaft as to permit the knee-joint to be straightened when standing at rest, and in walking. The characteristic elephantine gait must, therefore, have been assumed by the *Dinocerata*.

The inner condyle is a little greater than the outer in transverse diameter, but much less in antero-posterior dimensions. The two are separated from each other by a deep narrow sulcus, but both are completely confluent above with the shallow and short groove for the patella. This groove is broadly rounded from side to side, and less distinctly pulley-shaped, than in the elephant. It is near the middle of the anterior surface of the bone, and does not rise above the general surface, except to a very small extent along its lateral margins, which are acute, and sub-equal in height.

There is no medullary cavity in the femur, the inner texture of the shaft being merely somewhat cancellated, as shown in the woodcuts below.

FIG. 137.

FIG. 138.

FIGURE 137.—Section of femur of *Dinoceras mirabile*, Marsh (No. 1206).
FIGURE 138.—Section of same bone (No. 1210).
Both figures are one-fourth natural size.

The main dimensions of the femur in one specimen of *Dinoceras* are given below.

Measurements of Right Femur. (*Dinoceras mirabile*, No. 1206.)

	m.
Length of femur,	.690
Diameters of head,	.123–.126
Distance from summit of head to trochanter minor,	.200
Height of trochanter minor,	.015
Transverse diameter through great trochanter,	.215
Least diameters of shaft,	.067–.093
Transverse diameter of distal end,	.170
Greatest antero-posterior diameter of distal end,	.160
Least antero-posterior diameter of distal end,	.100
Transverse diameter of inner condyle,	.065
Transverse diameter of outer condyle,	.070

THE TIBIA. (Plate XLV.)

The tibia in the *Dinocerata* is much shorter than the femur, as in the elephant and the mastodon, and considerably resembles the same bone in these animals. It differs noticeably in the greater prominence of the tuberosity for the attachment of the patellar ligament.

The proximal articular surfaces for the condyles of the femur are confluent, or very nearly so, being separated by only a low, smooth and rounded ridge, as seen in Plate XLV, figure 3 *a*. The inner face is larger in antero-posterior diameter than the outer, and is concave

throughout in both directions, except for a very small area near its posterior margin. The outer face is shorter, but much broader than the inner, and posteriorly is much more convex, and thus adapted, in extreme flexion of the leg, to a concave face on the outer condyle of the femur. These faces may indicate the presence of a flabella.

Below the outer and posterior part of this articular surface, is a small flattened facet, looking nearly downward, and somewhat outward and backward, for articulation with the fibula.

The upper end of the shaft presents in front a deep rounded excavation, bounded at the sides and below by a roughened curved ridge for muscular attachment. The shaft is contracted in the middle, but expands below, and has its distal end nearly covered by the broad surface for articulation with the astragalus.

This articular face is confluent along its outer margin with a small oblique face for the distal end of the fibula. It is concave antero-posteriorly, but, in transverse section across the middle, is at first slightly convex on the internal malleolus, then concave, and again moderately convex to the margin of the fibular articulation. This face is represented in Plate XLV, figure 1 *a*.

The tibia is nearly, or quite, solid, as shown in figure 5 of the same Plate.

Measurements of Tibia. (*Dinoceras mirabile*, No. 1208.)

	m.
Total length of tibia,	.390
Greatest diameter, proximal end,	.140
Antero-posterior diameter, below patella,	.096
Antero-posterior diameter of inner proximal articular surface,	.080
Transverse diameter of inner proximal articular surface,	.062
Antero-posterior diameter of outer proximal articular surface,	.070
Transverse diameter of outer proximal articular surface,	.075
Greatest diameter of fibular articular surface,	.033
Least diameter of fibular articular surface,	.027
Least diameters of shaft,	.052–.057
Greatest diameter, distal end,	.107
Antero-posterior diameter, distal end,	.093
Greatest diameter of astragalar surface (approximate),	.095
Antero-posterior diameters of astragalar surface,	.067–.080
Antero-posterior diameter of distal fibular surface,	.035
Least diameter of distal fibular surface,	.015

The Fibula. (Plate XLVI, figures 1–4.)

The fibula is slender, and entire, with articular faces well marked at each extremity. The proximal end is somewhat expanded, and has the articular face for union with the tibia oblique, and sub-oval in outline. The shaft is somewhat twisted, and sub-triangular in transverse section. The distal end of the fibula is larger than that above, and quite rugose. The articulation for union with the astragalus is large, and placed obliquely, as shown in Plate XLVI, figure 4.

In some specimens of the *Dinocerata*, and probably in all, the fibula met the calcaneum, as in *Coryphodon*, and the Artiodactyls.

Measurements of the fibula in two individuals of *Dinoceras* are as follows:

Measurements of Fibula. (*Dinoceras mirabile*, No. 1208.)

	m.
Length of fibula (approximate),	.350
Diameters of proximal end,	.040–.045
Diameters of proximal articular surface,	.028–.033

Measurements of Fibula. (*Dinoceras mirabile*, No. 1210.)

	m.
Diameters of shaft,	.028–.020
Diameters of distal end,	.040–.070
Diameters of distal articular surface (approximate),	.050–.045

The Patella. (Plate XLVI, figures 5–8.)

The patella in the *Dinocerata* is a large bone, and resembles, in its general features, that of the elephant. Its external surface is quite rugose. The articular surface for union with the condyles of the femur is sub-oval in outline, concave from above downward, and transversely convex in consequence of the usual median swelling. The general characteristics are well represented in Plate XLVI, and its position in the skeleton is shown in the restorations at the end of the volume, Plates LV and LVI.

CHAPTER XII.

THE HIND LIMBS. (Continued.)

(Plates XLVII–LVI.)

The hind feet in the *Dinocerata* were considerably smaller than those in front. Their component parts are short and robust, forming together a strong support for the massive hind limbs. There were five digits, as in the Proboscidians, and the axis of the foot was through the third, or middle, digit.

The general appearance of the hind foot in *Dinoceras mirabile* is represented in Plate LIV, figure 2. The fore foot, or manus, is seen in figure 1 of the same Plate, and both feet are shown in different positions in the restorations, Plates LV and LVI.

The Tarsal Bones.

(Plates XLVII–L, Plate LIV, figure 2; and woodcuts 139–146, below.)

There are seven well developed tarsal bones in the *Dinocerata*, and their relative position in the hind foot is seen in Plate LIV. These bones are described in detail below. An eighth tarsal bone, the tibiale, appears to have been present.

The Astragalus.

(Plate XLVII, Plate LIV, figure 2, *a*; and woodcuts 139–142, below.)

The astragalus in the *Dinocerata* considerably resembles that of the elephant, the bone being, as in that animal, very short, along the axis of the leg and foot. The articular faces are, moreover, but little curved, indicating comparatively slight freedom of motion in the ankle joint.

The superior, or proximal, face of the bone, articulating with the tibia, is shown in Plate XLVII, figure 1. This surface is sub-quadrate in general outline, with rounded angles, but is prolonged posteriorly on the inner, or tibial, side into a large convex lobe.

The surface of the tibial articulation is moderately convex from before backward, and, in front, nearly flat from side to side, but, posteriorly, it becomes somewhat excavated, this being the only indication of the conspicuous groove common in Ungulates. The tibial articular surface is confluent, along the posterior part of its outer margin, with a somewhat convex, rounded face for the fibula, as shown in figure 4.

The inner surface of the bone (figure 2), or that which is presented upon the tibial side of the foot, is excavated by a large, rounded depression, encroaching above upon the margin of the tibial articular face.

Below this depression, the bone is expanded, and presents a rounded and convex articular surface, in close relation with the adjoining, and nearly or quite confluent, face for articulation with the navicular, as shown in figure 140, *t'* below. This convex facet apparently supported a separate bone, as in the existing *Hyrax* (figure 155, Chapter XIV). This bone, as Baur has suggested, probably represents the tibiale, or inner tarsal of the proximal row. The same bone exists also in *Hystrix*, and many other Rodents, and is regarded by Flower as a sesamoid.

The inferior surface of the astragalus (Plate XLVII, figure 3) articulated with three bones; below, with the upper faces of the calcaneum, and, in front, with the navicular and the cuboid. All these articular faces may be confluent, as in the specimen figured on the Plate, and the mode of union with the calcaneum is subject to considerable variation.

In the specimen there figured, the face for the calcaneum may be briefly described as in the form of a horse-shoe with the lateral branches so broad as to leave only a narrow interval between them.

The lateral portions, or branches, present two oval, concave faces, and they are united behind by a broad band, running around the posterior end of a deep, narrow groove, dividing the anterior parts of the articulation, and leading backward to a foramen through the bone. In the specimen figured, this foramen is small and oblique, and no opening is seen through the bone. Along the outer, or fibular, margin of the bone, the articular face is confluent for a short distance with that for the fibula on the side of the astragalus. Near the center of the inferior surface, the inner ramus of the calcaneal articular facet is confluent at the end with the face for the cuboid.

Another, and more common, form of articulation with the calcaneum is shown in figure 140, below, where the lower surface of the astragalus presents two distinct faces for the calcaneum. The outer of these is broad and rounded, nearly flat transversely, concave from before backward, and separated by a deep groove from the inner, more elongated surface. This groove leads backward into a large foramen, passing through the posterior part of the bone. The inner portion of the calcaneal face is longer than the outer, and more concave from before backward. From side to side, it is nearly flat, and, in front, it is more or less confluent with the face for the cuboid, and often also with that for the navicular. In a few specimens, the usual foramen near the hinder border of the bone is represented by a notch only, as in figures 141 and 142, below.

The anterior part of the under surface of the astragalus presents two flattened, moderately convex, and very unequal, articular faces. The larger one of these is for articulation with the navicular, and the smaller, for the cuboid bone.

The presence of a face for the cuboid is in strong contrast with the structure of the foot of the elephant, in which the cuboid is supported by the calcaneum, and the navicular which covers the whole anterior face of the astragalus, not allowing the cuboid to come in contact with that bone. In the *Dinocerata*, this specialization does not occur.

The face for the navicular is fully twice as large as that for the cuboid. It is somewhat convex from side to side, but is nearly flat from before backward, and is bounded along its outer, or fibular, and posterior side by a low rounded ridge, indicating the limit of the cuboid face. This facet is more or less triangular in outline, the apex pointing backward and inward. It is only moderately convex.

The relation of the navicular face to the articulation for the tibiale bone is well shown in woodcuts 140 and 142, below.

The outer, or fibular, side of the astragalus (Plate XLVII, figure 4) presents a convex articulation for the fibula. This face is confluent above, with the tibial surface, and usually, also, in a much less degree, with the outer face for the calcaneum. In some specimens, however (numbers 1248, 1528, 1531), these faces are quite separated.

In an anterior view of the astragalus (figure 5), the exterior, or dermal, surface is seen to be very short, proportionally shorter than in the elephant, but varying within such limits that the longest in the *Dinocerata* may nearly or quite equal in length the shortest in the elephant.

Posteriorly, the astragalus extends backward much farther on the inner, or tibial, side than on the outer side, and is tuberculated. This surface of the bone is, in some specimens, deeply notched near the middle, as in figures 141 and 142, below, but more commonly the notch is converted into a foramen by a bridge of bone, as in Plate XLVII, figure 6, and figures 139 and 140, below. The tibial articular surface is not usually confluent with the calcaneal surface, as is sometimes the case in the elephant. A near approach to confluence is seen in one specimen, number 1209.

The astragalus in *Coryphodon* is very similar in form to that in the *Dinocerata*, but is shorter. It has essentially the same articular faces, and the facet for the tibiale is equally well marked. The hind foot of *Coryphodon* is shown in figure 151, in Chapter XIV. Its general resemblance to the corresponding foot in *Dinoceras* is striking, and the structure of the two is essentially the same. The resemblance between the fore foot of *Dinoceras* and that of *Coryphodon* is equally marked.

The astragalus in one individual of *Dinoceras*, and in one of *Tinoceras*, is represented in the woodcuts below.

FIG. 139.

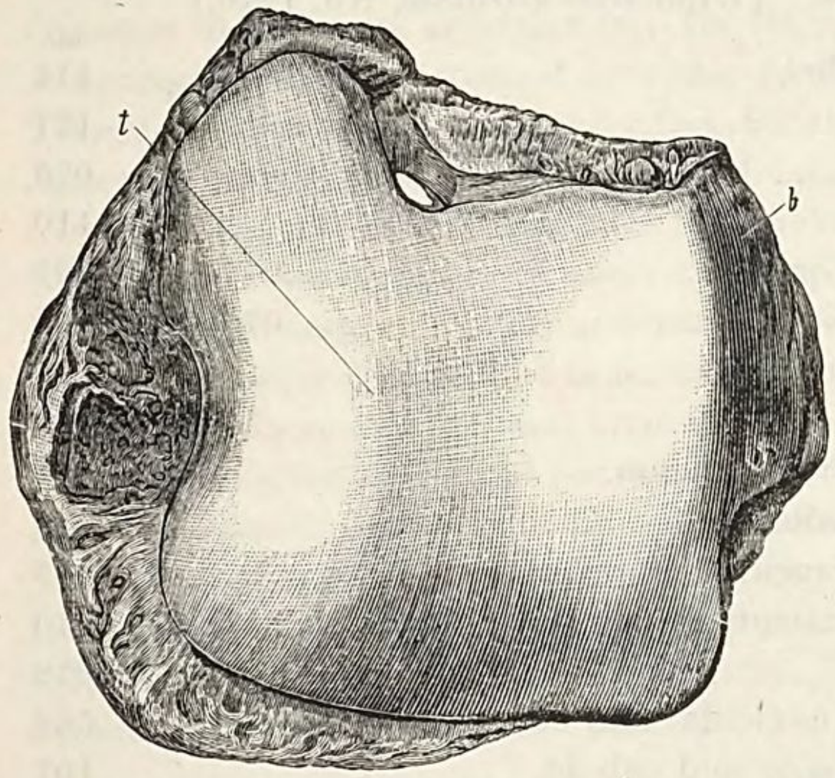

FIG. 140.

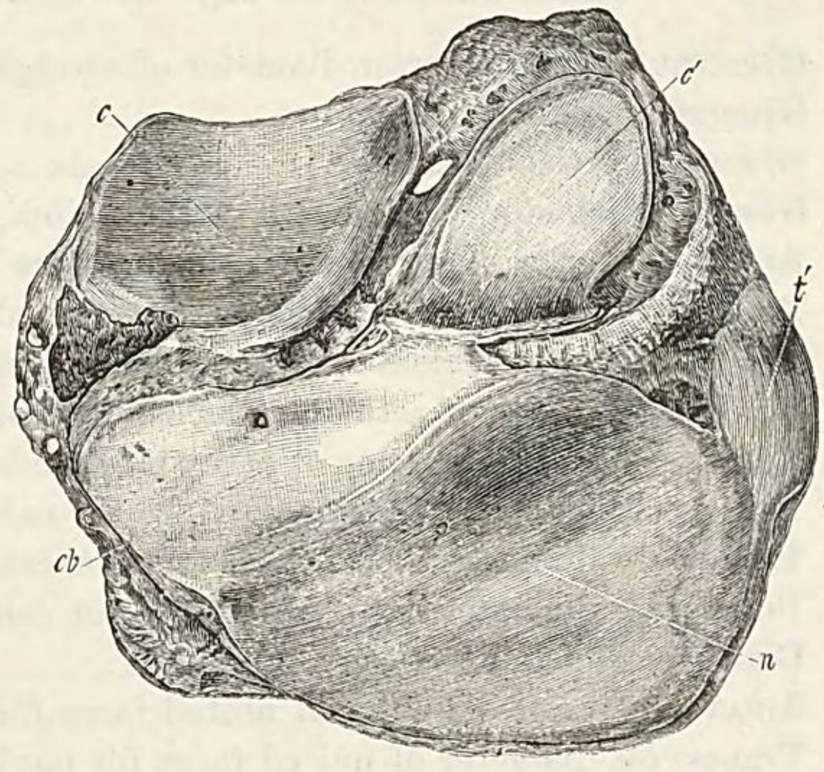

FIGURE 139.—Left astragalus of *Dinoceras laticeps*, Marsh (No. 1197); top view; showing foramen.
FIGURE 140.—The same bone; bottom view.
b. face for fibula; *c*. and *c'*. faces for calcaneum; *cb*. face for cuboid; *n*. face for navicular; *t*. face for tibia, *t'*. face for tibiale.

FIG. 141.

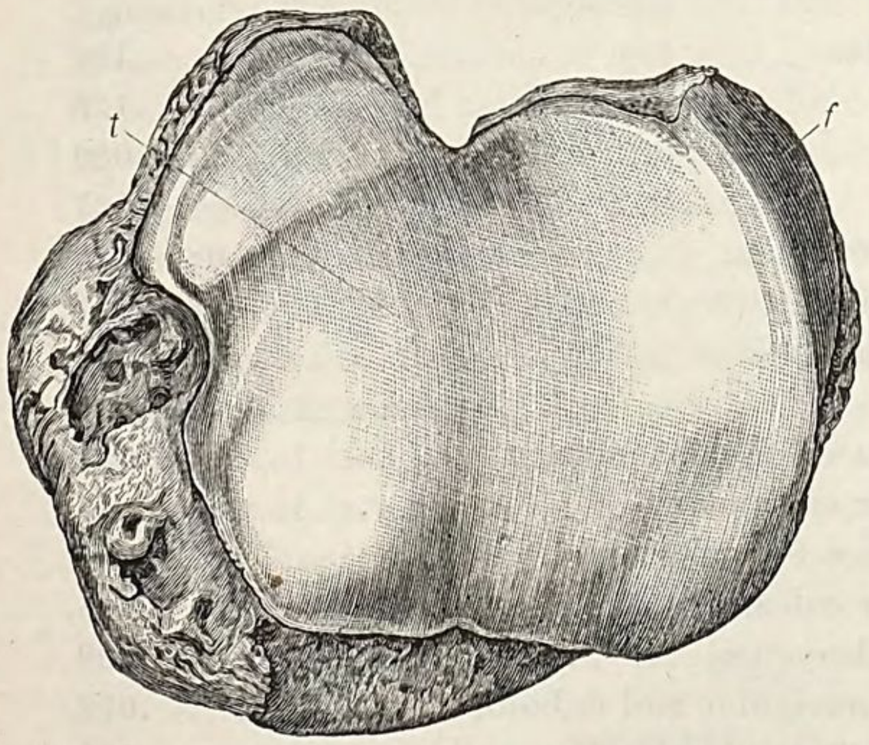

FIG. 142.

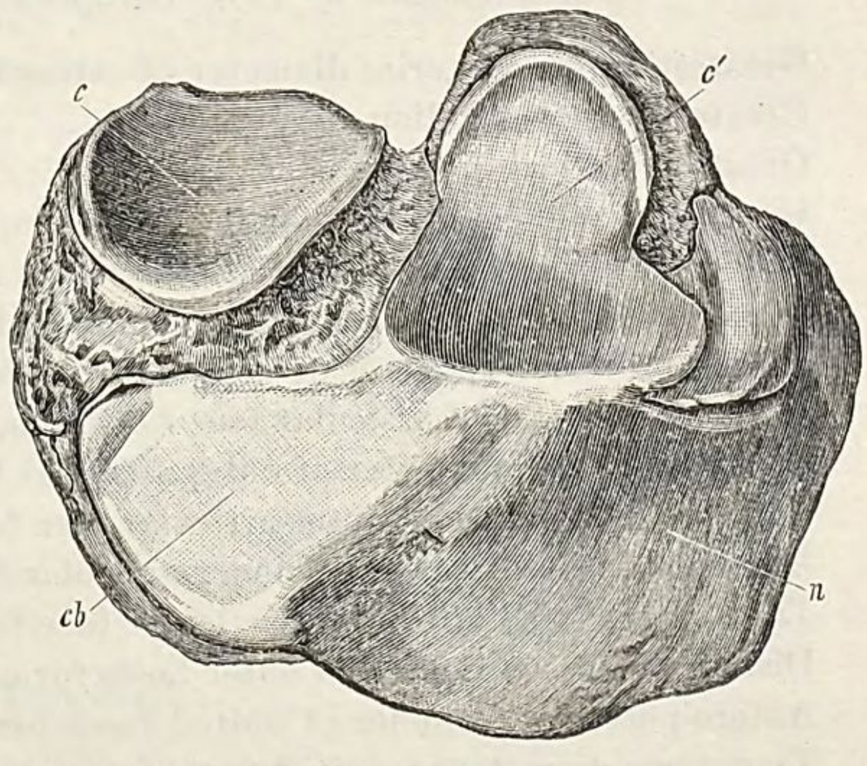

FIGURE 141.—Left astragalus of *Tinoceras ingens*, Marsh (No. 1209); top view.
FIGURE 142.—The same bone; bottom view.
c. and *c'*. faces for calcaneum; *cb*. face for cuboid; *f*. face for fibula; *n*. face for navicular, *t*, face for tibia.

All the figures are one-half natural size.

Measurements of the astragalus in four individuals of the *Dinocerata* are as follows:

Measurements of the Left Astragalus. (*Dinoceras mirabile*, No. 1210.)

	m.
Greatest antero-posterior diameter of astragalus,	.112
Greatest transverse diameter,	.121
Greatest vertical diameter,	.070
Greatest diameter of articular face for tibia,	.110
Antero-posterior diameters of articular face for tibia,	.072–.066–.092
Transverse diameters of articular face for tibia,	.076–.071–.085
Antero-posterior diameter of articular face for fibula,	.044
Vertical diameter of articular face for fibula,	.036
Antero-posterior diameter of articular face for calcaneum,	.054
Transverse diameter of articular face for calcaneum,	.080
Transverse diameter of articular face for calcaneum, outer lobe,	.033
Transverse diameter of articular face for calcaneum, inner lobe,	.040
Diameter of band connecting lobes,	.018
Antero-posterior diameter of united faces for navicular and cuboid,	.056
Transverse diameter of united faces for navicular and cuboid,	.107
Diameters of face for navicular,	.056–.082
Diameters of face for cuboid,	.035–.062
Minimum length of neck,	.014

Measurements of Left Astragalus. (*Dinoceras laticeps*, No. 1197.)

	m.
Greatest antero-posterior diameter of astragalus,	.128
Greatest transverse diameter,	.128
Greatest vertical diameter,	.080
Greatest diameter of articular face for tibia,	.127
Antero-posterior diameters of articular face for tibia,	.089–.080–.105
Transverse diameters of articular face for tibia,	.090–.085–.091
Antero-posterior diameter of articular face for fibula,	.055
Vertical diameter of articular face for fibula,	.031
Antero-posterior diameter of outer articular face for calcaneum,	.053
Transverse diameter of outer articular face for calcaneum,	.048
Antero-posterior diameter of inner articular face for calcaneum,	.061
Transverse diameter of inner articular face for calcaneum,	.035
Distance between inner and outer faces for calcaneum,	.009
Antero-posterior diameter of united faces for navicular and cuboid,	.072
Transverse diameter of united faces for navicular and cuboid,	.113
Diameters of face for navicular,	.064–.091
Diameters of face for cuboid,	.031–.071
Minimum length of neck,	.016

Measurements of Left Astragalus. (*Tinoceras ingens*, No. 1209.)

	m.
Greatest antero-posterior diameter of astragalus,	.122
Greatest transverse diameter,	.147
Greatest vertical diameter,	.083
Greatest diameter of articular face for tibia,	.125
Antero-posterior diameters of articular face for tibia,	.091–.082–.104
Transverse diameters of articular face for tibia,	.094–.096–.095
Antero-posterior diameter of articular face for fibula,	.060
Vertical diameter of articular face for fibula,	.039
Antero-posterior diameter of outer articular face for calcaneum,	.050
Transverse diameter of outer articular face for calcaneum,	.050
Antero-posterior diameter of inner articular face for calcaneum,	.058
Transverse diameters of inner articular face for calcaneum,	.033–.050
Distance between inner and outer faces for calcaneum,	.018
Antero-posterior diameter of united faces for navicular and cuboid,	.068
Transverse diameter of united faces for navicular and cuboid,	.130
Diameters of face for navicular,	.068–.105
Diameters of face for cuboid,	.042–.077
Minimum length of neck,	.019

Measurements of Right Astragalus. (*Dinoceras mirabile*, No. 1528.)

	m.
Greatest antero-posterior diameter of astragalus,	.100
Greatest transverse diameter,	.108
Greatest vertical diameter,	.063
Greatest diameter of articular face for tibia,	.100
Antero-posterior diameters of articular face for tibia,	.070–.060–.093
Transverse diameters of articular face for tibia,	.067–.067–.070
Antero-posterior diameter of articular face for fibula,	.040
Vertical diameter of articular face for fibula,	.030
Antero-posterior diameter of outer articular face for calcaneum,	.035
Transverse diameter of outer articular face for calcaneum,	.039
Antero-posterior diameter of inner articular face for calcaneum,	.040
Transverse diameter of inner articular face for calcaneum,	.040
Antero-posterior diameter of united articular faces for navicular and cuboid,	.053
Transverse diameter of united articular faces for navicular and cuboid,	.093
Diameters of face for navicular,	.076–.053
Diameters of face for cuboid,	.026–.055
Minimum length of neck,	.015

The Calcaneum.

(Plate XLVIII, Plate LIV, figure 2, *c;* and woodcuts 143–144, below.)

The calcaneum in the *Dinocerata* is short, and comparatively more robust, than in the elephant. As in that animal, it is strongly tuberculated

below, where, during life, it doubtless supported a thick pad, resting on the ground.

The calcaneum articulated mainly with two bones, the astragalus and the cuboid. Some specimens, and perhaps all, present a small face where the fibula touched this bone.

The articulation with the astragalus is, in most specimens, divided into two distinct facets (figures 144, *a* and *a'*) by a deep groove. In some cases, however, these facets are coalescent posteriorly, as in Plate XLVIII, figures 1 and 5, and in figure 143, corresponding with a similar coalescence of faces on the astragalus.

The face for the cuboid is small, and irregularly rounded, or oval, as seen in Plate XLVIII, figure 1, and is usually more or less confluent with the inner face for the astragalus, but is well separated from the outer face for that bone.

The great tuberosity for the attachment of the tendo Achillis is very short, proportionally shorter than in the elephant.

FIG. 143.

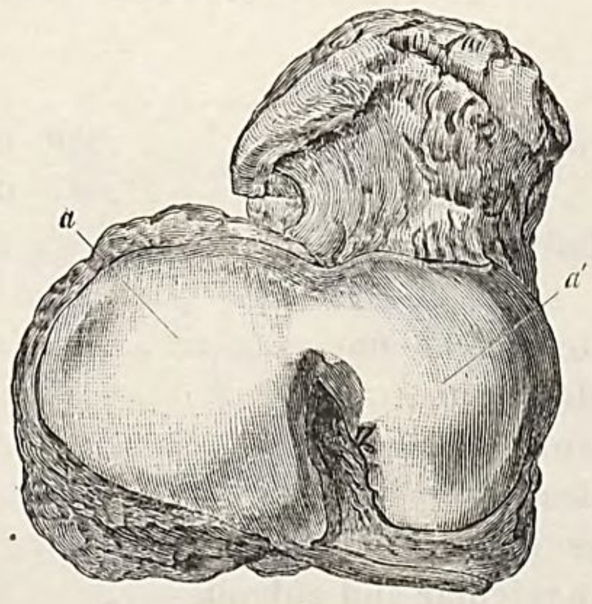

FIG. 144.

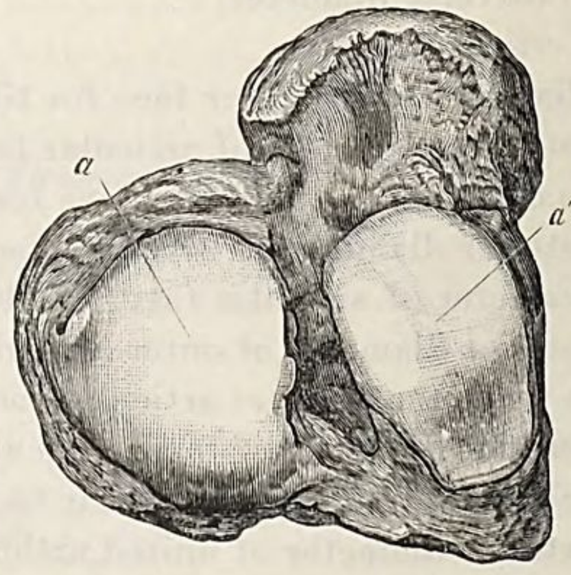

FIGURE 143.—Calcaneum of *Dinoceras mirabile*, Marsh (No. 1210); top view.
FIGURE 144.—Calcaneum of *Dinoceras mirabile*, (No. 1208); top view.
a. and *a'*. faces for astragalus.

Both figures are one-half natural size

Two specimens of the calcaneum in different individuals of *Dinoceras* are represented in the woodcuts above.

Measurements of three specimens of the calcaneum in the *Dinocerata* are as follows:

Measurements of Left Calcaneum. (*Dinoceras mirabile*, No. 1210.)

	m.
Length of calcaneum, from great tuberosity to face for cuboid,	.096
Transverse diameter,	.090
Vertical diameter,	.070
Antero-posterior diameter of inner lobe of articulation for astragalus,	.050
Transverse diameter of inner lobe of articulation for astragalus,	.043
Antero-posterior diameter of outer lobe of articulation for astragalus,	.043
Transverse diameter of outer lobe of articulation for astragalus (approximate),	.039

Measurements of Right Calcaneum. (*Dinoceras mirabile*, No. 1225.)

	m.
Length of calcaneum, from great tuberosity to face for cuboid,	.107
Transverse diameter (approximate),	.086
Vertical diameter,	.074
Antero-posterior diameter of inner face for astragalus,	.053
Transverse diameter of inner face for astragalus,	.037
Antero-posterior diameter of outer face for astragalus,	.045
Transverse diameter of outer face for astragalus (approximate),	.037
Distance between inner and outer faces for astragalus,	.010

Measurements of Left Calcaneum. (*Dinoceras mirabile*, No. 1208.)

	m.
Length of calcaneum, from great tuberosity to face for cuboid,	.093
Transverse diameter,	.086
Vertical diameter,	.074
Antero-posterior diameter of inner face for astragalus,	.044
Transverse diameter of inner face for astragalus,	.042
Antero-posterior diameter of outer face for astragalus,	.050
Transverse diameter of outer face for astragalus,	.032
Distance between faces for astragalus,	.070
Transverse diameter of face for cuboid,	.035
Vertical diameter of face for cuboid,	.019

The Cuboid.

(Plate XLIX, figures 1–6, Plate LIV, figure 2, *cb;* and woodcuts 145–146, below.)

The cuboid in the *Dinocerata* corresponds in general with that of the elephant, and presents similar articular faces, though not to the same bones. It is also more elongated in the line of the axis of the foot, thus appearing less flattened than in the *Proboscidea.* In general shape, the bone is triangular, the longest side being nearly straight, and lying along the inner, or side for the navicular, while the shortest side is somewhat curved, and is presented to the exterior, or dorsal, surface of the foot.

This surface (Plate XLIX, figure 1) is moderately roughened, especially at the edges, for attachments of ligaments. The outer, or fibular, side, shown best in figure 4, is short along the line of the foot, being encroached upon by the articular face for the calcaneum on the proximal end, and one for the fifth metatarsal on the distal end.

The plantar aspect of the bone (figure 3) presents a single, or bifid, tubercle, and, on the inner face (figure 2), is an elongate articular surface for union with the navicular. This surface is confluent with the face for articulation with the astragalus, and thus serves to distinguish the proximal from the distal end of the bone, which often closely resemble each other.

The proximal surface (figure 5) is covered by two articular facets. The inner one, large and sub-triangular, concave in both directions, and nearly perpendicular to the axis of the bone, moved, during life, upon the outer distal face of the astragalus. This face is, in the specimen figured on the Plate, widely confluent with a smaller oval face for the calcaneum. In figure 146, below, the face for the calcaneum (*c*) is much less widely confluent with that for the astragalus, being nearly separated from it. In both specimens, the calcaneal face is slightly convex transversely, and somewhat inclined to the axis of the bone.

FIG. 146.

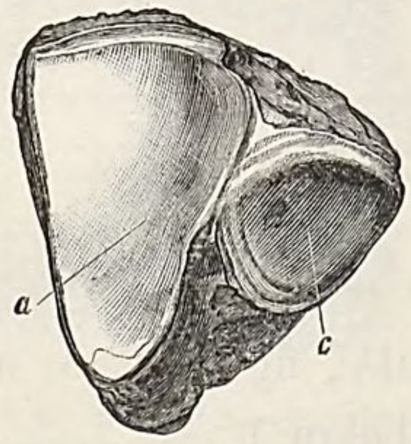

FIG. 145.

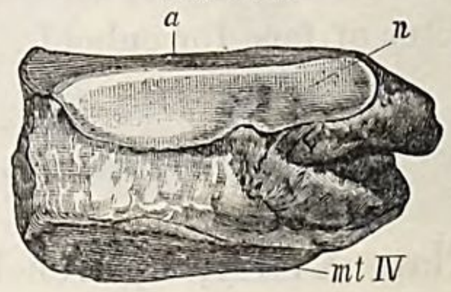

FIGURE 145.—Right cuboid of *Dinoceras mirabile*, Marsh (No. 1528); side view

FIGURE 146.—The same bone; proximal end.

a. face for astragalus; *c*. face for calcaneum; *mt* IV. face for fourth metacarpal; *n*. face for navicular.

Both figures are one-half natural size.

The cuboid bone in one individual of *Dinoceras* is represented in the two cuts above.

The distal face (Plate XLIX, figure 6) also presents two articular surfaces, for the support of the fourth and fifth metatarsal bones. The

face for the fourth metatarsal is much the larger. It is narrow, or pointed, below, and moderately concave, or, in the lower part, slightly convex, from above downward, and is at right angles with the axis of the bone. The smaller outer face, supporting the fifth metatarsal, is turned somewhat outward, and is slightly convex in both directions.

The principal dimensions of the two cuboid bones above described are as follows:

Measurements of Left Cuboid. (*Dinoceras mirabile*, No. 1208.)

	m.
Length of cuboid, along axis of foot,	.035
Transverse diameter,	.054
Antero-posterior diameter,	.060
Antero-posterior diameter of face for astragalus,	.055
Transverse diameter of face for astragalus,	.034
Antero-posterior diameter of face for cuboid,	.035
Transverse diameter of face for cuboid,	.020
Antero-posterior diameter of face for fourth metatarsal,	.049
Transverse diameter of face for fourth metatarsal,	.032
Antero-posterior diameter of face for fifth metatarsal,	.035
Transverse diameter of face for fifth metatarsal,	.022

Measurements of Right Cuboid. (*Dinoceras mirabile*, No. 1528.)

	m.
Length of cuboid, along axis of foot,	.037
Transverse diameter,	.066
Antero-posterior diameter,	.065
Antero-posterior diameter of face for astragalus,	.058
Transverse diameter of face for astragalus,	.036
Antero-posterior diameter of face for cuboid,	.032
Transverse diameter of face for cuboid,	.026
Antero-posterior diameter of face for fourth metatarsal,	.049
Transverse diameter of face for fourth metatarsal,	.035
Antero-posterior diameter of face for fifth metatarsal,	.039
Transverse diameter of face for fifth metatarsal,	.032

The Navicular.

(Plate XLIX, figures 7–12, and Plate LIV, figure 2, *n*.)

The navicular is a short bone in the *Dinocerata*, strongly flattened vertically, much as in the elephant. It is supported by the astragalus, and does not usually, as in that animal, touch the calcaneum. It supports only the three cuneiform bones in front, but presents a narrow, lateral, articular face to the cuboid.

The surface of the navicular exposed upon the dorsal aspect of the foot (Plate XLIX, figure 7) is short vertically, more or less rounded from side to side, and varies much in the degree of smoothness, or tuberculation, in different specimens.

The under, or plantar, surface, shown in figure 9, projects into a large rounded tubercle, and is of considerably greater extent along the axis of the foot than above.

The outer surface (figure 10), presented to the cuboid, is more or less covered by an articular face, extending along the proximal margin of the bone, confluent with the astragalar face, and, in life, moving upon a corresponding face upon the inner side of the cuboid.

The proximal surface of the bone (figure 11) is mostly occupied by a large articular surface, for union with the astragalus. This surface is somewhat saddle-shaped, being distinctly concave transversely, but somewhat convex from above downward. Below the articular face, the bone usually extends into a strong plantar tubercle, which may, however, (number 1218) be much less developed than in the specimen figured.

None of the specimens present any indication, on the proximal face, of a surface for articulation with the calcaneum, such as is found on the corresponding bone of the elephant.

The distal surface of the navicular (figure 12) presents three articular faces, one for each of the cuneiform bones. These faces are confluent with each other, and the inner one, for the entocuneiform, may be small, and indistinct. Usually, it is of considerable size, and elongated from above downward. It is oval in shape, moderately convex in both directions, and oblique to the axis of the bone, looking somewhat outward.

The median of the three faces is sub-quadrate in outline, a little broader above than below, and confluent, on each side, with the adjacent faces. This face is slightly concave from side to side, and from above downward, nearly flat.

The face for the ectocuneiform is sub-quadrate, tapering below, concave in both directions, or nearly flat from above downward.

These faces may all be considerably shorter and broader than in the specimen figured, and the face for the entocuneiform may be very greatly reduced.

The following measurements of three specimens of the navicular in *Dinoceras* show the more important dimensions of this bone:

Measurements of Left Navicular. (*Dinoceras mirabile*, No. 1247.)

	m.
Transverse diameter of navicular,	.085
Antero-posterior diameters (axial),	.015–.029
Transverse diameter of face for astragalus,	.080
Vertical diameter of face for astragalus,	.060
Transverse diameter of face for entocuneiform,	.020
Vertical diameter of face for entocuneiform,	.050
Transverse diameter of face for mesocuneiform,	.025
Vertical diameter of face for mesocuneiform,	.045
Transverse diameter of face for ectocuneiform,	.035
Vertical diameter of face for ectocuneiform (approximate),	.055

Measurements of Left Navicular. (*Dinoceras mirabile*, No. 1208.)

	m.
Transverse diameter of navicular,	.067
Antero-posterior diameters,	.015–.025
Vertical diameter,	.069
Transverse diameter of face for astragalus,	.058
Vertical diameter of face for astragalus,	.051
Transverse diameter of face for entocuneiform,	.022
Vertical diameter of face for entocuneiform,	.033
Transverse diameter of face for mesocuneiform,	.026
Vertical diameter of face for mesocuneiform,	.043
ransverse diameter of face for ectocuneiform,	.032
Vertical diameter of face for ectocuneiform,	.040

Measurements of Left Navicular. (*Dinoceras mirabile*, No. 1218.)

	m.
Transverse diameter of navicular,	.082
Antero-posterior diameters,	.015–.022
Vertical diameter,	·065
Transverse diameter of face for astragalus,	.065
Vertical diameter of face for astragalus,	.050
Transverse diameter of face for entocuneiform (approximate),	.012
Vertical diameter of face for entocuneiform,	.028
Transverse diameter of face for mesocuneiform,	.029
Vertical diameter of face for mesocuneiform (approximate),	.045
Transverse diameter of face for ectocuneiform,	.037
Vertical diameter of face for ectocuneiform,	.052

The Entocuneiform.

(Plate L, figures 1–6, and Plate LIV, figure 2, *en.*)

The entocuneiform in the *Dinocerata* bears but slight resemblance to the corresponding bone in the elephant. It is much less elongated in the line of the axis of the foot, and even less so than appears in the general view of the hind foot on Plate LIV, since the elongation apparent in that figure is, to a great extent, in front of the articular surfaces. These surfaces are, at their nearest points, scarcely more widely separated in the direction of the axis of the foot, than are those of the other cuneiform bones.

The dermal surface of the bone (Plate L, figure 1) is rough and tuberculated, often much more so than represented in the figure. It is also usually more elongated in the axial direction, in front of the articular surfaces.

The opposite surface of the bone (figure 3) is flattened, and moderately roughened, and presents a small area only for articulation with the mesocuneiform. This articular face is confluent with the face for the navicular, and lies along the anterior part of its margin.

The proximal articular face (figure 5) is of a semi-oval form, and is more or less concave in a direction from the dorsal toward the plantar side of the foot, while transversely it is moderately convex.

The distal face (figure 6) is much more distinctly saddle-shaped. In some specimens, it is strongly curved forward in the superior region of the bone, so as to extend through a considerable arch in the direction from the dorsal toward the plantar side of the foot. Transversely, the articulation is moderately convex throughout.

The Mesocuneiform.

(Plate L, figures 7–12.)

The mesocuneiform is a small, somewhat wedge-shaped bone, tapering toward its plantar extremity, and having its shortest dimension in the line of the axis of the foot. It is much less oblique than the corresponding bone in the elephant, and also less decidedly wedge-shaped.

The dorsal surface of the bone (Plate L, figure 7) is rugose and tuberculated, and the plantar extremity (figure 9) also presents a rather prominent protuberance.

Of the lateral faces, the inner (figure 8), turned toward the entocuneiform, presents, along the proximal part of its margin, a more or less elongated facet, for articulation with that bone. The opposite side (figure 10) turned toward the ectocuneiform, is moderately rough, and destitute of any articular face.

The proximal articular face (figure 11) is nearly flat, slightly broader above than below, and, along the inner margin, confluent with the lateral face for articulation with the entocuneiform.

The distal face (figure 12) is also nearly flat, and, in life, supported in part, but not entirely, the second metatarsal bone. The latter presented nearly as large a face to the ectocuneiform, as to the mesocuneiform.

The following measurements give the principal dimensions of this bone in two specimens of *Dinoceras mirabile*:

Measurements of Left Mesocuneiform. (*Dinoceras mirabile*, No. 1210.)

	m.
Greatest diameter of mesocuneiform,	058
Transverse diameter,	.032
Antero-posterior diameters (axial),	.014–.020

Measurements of Left Mesocuneiform. (*Dinoceras mirabile*, No. 1208.)

	m.
Greatest diameter of mesocuneiform,	.053
Transverse diameter,	.026
Antero-posterior diameters (axial),	.014–.018

The Ectocuneiform.

(Plate L, figures 13–18.)

The ectocuneiform is triangular in outline, tapering distinctly, and in most specimens nearly to a point, toward the palmar surface of the foot. It is much less oblique than the corresponding bone in the elephant, and usually has the two distal faces more distinctly marked. It is also proportionally less elongated from the dorsal toward the plantar side of the foot.

The dorsal, or dermal, face (Plate L, figure 13) is roughened for ligamentary attachment, and on the opposite, or plantar, side, the bone is produced into a more or less prominent tubercle (figure 15). In the natural position, during life, this elevation was just back of the proximal end of the third metatarsal.

The lateral surfaces of the ectocuneiform (figures 14 and 16) are moderately roughened, and do not present articular surfaces for either the mesocuneiform on the inner side, or for the cuboid on the outer side.

The proximal articular face (figure 17) is nearly flat, or slightly convex transversely, while, in a dorso-plantar direction, it may be more or less concave.

The distal surface (figure 18) presents two confluent, but usually well marked, articular surfaces. Of these, the inner is narrow and oblique, and supported, in life, the outer part of the second metatarsal. The principal articular face of the distal end is nearly flat, sub-triangular in outline, and narrowed toward the plantar end. In life, it supported the third metatarsal bone.

The tubercle upon the plantar side of this bone differs considerably in size and form (numbers 1202 and 1229). The degree of distinction between the two distal faces also varies in different specimens (numbers 1208, 1232, and 1199).

The more important measurements of the ectocuneiform in four specimens of *Dinoceras* are given below.

Measurements of Right Ectocuneiform. (*Dinoceras mirabile*, No. 1199).

	m.
Greatest diameter of ectocuneiform,	.066
Transverse diameter,	.045
Antero-posterior diameters,	.014–.026
Diameters of proximal articular face,	.030–.048

Measurements of Left Ectocuneiform. (*Dinoceras laticeps*, No. 1202.)

	m.
Greatest diameter of ectocuneiform,	.060
Transverse diameter,	.040
Antero-posterior diameters,	.017–.024
Diameters of proximal articular face,	.033–.050

Measurements of Left Ectocuneiform. (*Dinoceras mirabile*, No. 1208.)

	m.
Greatest diameter of ectocuneiform,	.055
Transverse diameter,	.035
Antero-posterior diameters,	.016–.021
Diameters of proximal articular face,	.028–.039

Measurements of Left Ectocuneiform. (*Dinoceras mirabile*, No. 1232.)

	m.
Greatest diameter of ectocuneiform,	.064
Transverse diameter,	.044
Antero-posterior diameters (axial),	.014–.022
Diameters of proximal articular face,	.032–.046

The First Metatarsal.

(Plate LI, figures 1–6, and Plate LIV, figure 2.)

The first metatarsal bone of the *Dinocerata* is the shortest and smallest of the five, but is comparatively much better developed than in the elephant.

The first metatarsal in *Dinoceras mirabile* is short and stout, and strongly roughened on all sides throughout its length, as seen in Plate LI, figures 1–4. As in the other metatarsals preserved, there are no distinct indications of epiphysial sutures.

This bone does not appear, during life, to have been in very close relation with the adjoining metatarsal, and accordingly presents, on its proximal end (figure 5), only a single articular surface, which is distinctly saddle-shaped, and joined the entocuneiform.

The distal end (figure 6) presents a flattened, and somewhat concave, face for the first phalanx, and immediately below this, are grooves for a pair of sesamoid bones.

The Second Metatarsal.

(Plate LI, figures 7–12, and Plate LIV, figure 2.)

The second metatarsal in *Dinoceras* is the most robust of the series, and is a short, and very stout bone.

The surface of the shaft, as seen in Plate LI, figures 7–10, is

roughened at both the proximal and distal ends, but medially it is smoother and constricted, especially below, where a large, and prominent, tubercle occupies the proximal portion of the under surface of the bone. This tubercle is shown in figure 9, and also, in profile, in figures 8 and 10, where it is seen to project considerably beyond the proximal articular face.

The proximal end of the bone (figure 11) is oblique to its axis, and presents two distinct articular faces; the larger on the inner, or tibial, side of the bone, for the mesocuneiform, and the outer, on the fibular side, for the ectocuneiform. The latter face is also confluent with a lateral facet, where the bone, during life, touched the third metatarsal. This face is well shown in figure 10.

The distal end (figure 12) is large, rounded, and somewhat oblique to the axis of the bone. The articulation for the phalanx is flattened, but may be slightly convex, or, in a transverse direction, more or less concave. Two well developed sesamoids moved in broad shallow grooves below, the faces for these bones, taken together, being about as large as that for the phalanx.

The Third Metatarsal.

(Plate LI, figures 13–15, Plate LII, figures 1–3, and Plate LIV, figure 2.)

The third metatarsal is of about the same length as the second and the fourth, and is a little less robust than the second.

It has a distinct shaft, which is smooth and constricted medially, but more or less roughened and tubercular toward the extremities, especially near the distal end.

The proximal face of the bone (Plate LII, figure 2) is somewhat oblique to its axis, and presents a sub-triangular articular face for the outer facet of the ectocuneiform. This facet is confluent, along its inner margin, with a small lateral face for union with the second metatarsal, as shown in Plate LI, figure 14. Opposite this, there is also an oval face (Plate LII, figure 1) supported on a flattened tubercle, and meeting, during life, a similar face on the fourth metatarsal.

The distal end (Plate LII, figure 3) is large and rounded, and, in some specimens, distinctly oblique. It supports the usual face for the first phalanx, and below, two shallow grooves for a pair of sesamoid bones. The phalangeal face is, in all the specimens preserved, distinctly, though slightly, convex in both directions.

The Fourth Metatarsal.

(Plate LII, figures 4–9, and Plate LIV, figure 2.)

The fourth metatarsal is of about the same size as the third, and considerably resembles it in structure This resemblance is much greater than in the elephant, where the fourth is decidedly shorter than the third metatarsal.

The shaft of the fourth metatarsal is strongly constricted medially, as seen in Plate LII, figures 5 and 7, and bears on the under side, at the proximal end, a large projecting tubercle.

The proximal end (figure 8) bears a nearly flat articular surface, sub-triangular in outline, and nearly perpendicular to the long axis of the bone, and articulating, during life, with the cuboid bone. This surface is confluent on the outer side with a small lateral facet shown in figure 7, which corresponds with a similar face on the fifth metatarsal. On the opposite, or inner side, is an oval facet (figure 5) articulating in life, with a prominent face on the third metatarsal.

The distal end of the fourth metatarsal (figure 9) is but little oblique to the axis of the bone, and bears the usual faces, for articulation with the phalanx, and the sesamoids. The phalangeal articulation may be concave from side to side (number 1199), but is usually slightly convex in both directions.

The Fifth Metatarsal.

(Plate LII, figures 10–15, and Plate LIV, figure 2.)

The fifth metatarsal in *Dinoceras* is shorter than any of the others except the first, but is robust, and evidently afforded its full share of support to the foot.

Its surface is strongly tuberculated, especially on the under and outer sides, as shown in Plate LII, figures 12 and 13. The shaft, being short, does not present a median constriction, as in the three preceding metatarsals.

The proximal end (figure 14) bears a comparatively small articular face for support on the cuboid bone. This face is nearly flat, and somewhat quadrangular in outline, and is confluent, on the inner margin, with a small lateral face for the fourth metatarsal, as seen in figure 11. The proximal articular face is nearly at right angles to the axis of the bone.

The distal face (figure 15) for the proximal phalanx is turned strongly outward, and is more or less concave. The sesamoid grooves, also, look strongly outward, and the inner is larger than the outer.

The Phalanges.

(Plates LII–LVI.)

The phalanges of the hind foot in the *Dinocerata* are very similar to those of the fore foot, although smaller, and hence need no detailed description. In Plate LIII, these bones are well represented, and with them, some of the sesamoid bones of the same feet. In Plate LIV, figure 2, the phalanges are shown in position, and other views of them may be seen in the two restorations on Plates LV and LVI.

CHAPTER XIII.

RESTORATIONS OF DINOCERAS AND TINOCERAS.

(Plates LV and LVI.)

The preceding chapters of this memoir, and the illustrations given in Plates I–LIV, will make known to anatomists nearly all the important characters in the skeleton of the gigantic mammals of the order *Dinocerata*. In Plate LV, a restoration is given of *Dinoceras mirabile*, the type of the group, and, in Plate LVI, one also of *Tinoceras ingens*, a characteristic, and more specialized form of an allied genus.

The remains available for these restorations consist of portions of more than two hundred individuals of the *Dinocerata*. As none of the skeletons of the species here represented were complete when found, it has been necessary to use, in both restorations, the bones of other individuals which could not be distinguished from the type specimens. Some of these bones may, perhaps, belong to allied forms, but it is believed that the restorations, as here given, fairly represent the skeletons of the species named.

In the restoration of *Dinoceras mirabile* on Plate LV, the remains of the type specimen of the species, a fully adult, but not old individual, have been used for the more important parts, and the remaining portions taken from other individuals. This restoration is one-eighth natural size.

The animal is represented as walking, and the position of the head, and the feet, has been chosen to show, to the best advantage, these portions of the skeleton as they were in life. In this restoration, only those portions are shaded which are represented by actual specimens in the Yale Museum. The parts in outline are either wanting, or so poorly preserved that only their main features can be given with accuracy.

In the restoration of *Tinoceras ingens*, Plate LVI, the animal is represented one-sixth natural size, and standing at rest. The position here chosen shows the massive and majestic form of one of the largest individuals of this remarkable group. Here, likewise, the shaded portions are represented by specimens in the Yale Museum. Some of these bones were used also in the first restoration.

In comparing *Dinoceras*, as here restored, with some of the largest ungulate mammals of the present day, a certain resemblance to the rhinoceros on the one hand, and to the elephant on the other, will naturally suggest itself. In size and proportions, *Dinoceras* was intermediate between these two existing animals, and in various points of its structure, it resembled the one quite as much as the other. In still other features, *Dinoceras* resembled the hippopotamus, and its affinities with the groups represented by these three types will be discussed in the succeeding chapter.

In its stature and movements, *Dinoceras* probably resembled the elephant as much as any other existing form. Its remarkable skull, longer neck, and more bent fore limbs, gave it, however, a very different appearance from any known Proboscidian. The high protuberances on the head, the long trenchant canine tusks, and the peculiar lower jaw modified for their protection, are features seen together only in this group.

The neck was long enough to permit the head to reach the ground, and hence a proboscis was quite unnecessary. The horizontal narial opening, the long overhanging nasal bones, and the well developed turbinal bones, are likewise proof positive against the presence of such an organ. There is some evidence of a thick flexible lip, resembling, perhaps, that of the existing rhinoceros.

The remarkably small brain, and the heavy massive limbs, indicate a dull, slow-moving animal, little fitted to withstand sudden changes in its environment, and hence it did not survive the alterations of climate with which the Eocene period closed.

That the *Dinocerata* were very abundant for a long time during the middle Eocene is proved, conclusively, by their numerous remains in deposits of this age. That the animals lived in herds is also suggested by the position in which the remains are found. Their favorite resorts would seem to have been around the borders of the great Eocene tropical lake described in the Introduction of the present volume. Here, they found an abundance of food, which was evidently the soft succulent vegetation which flourished, then as now, in such localities.

In *Tinoceras*, represented in Plate LVI, we have the skeleton of a larger, and still more imposing animal, but with essentially the same characteristics. The remains of this genus are found in the same lake-basin as those of *Dinoceras*, but at a higher level, and the evidence is clear that *Tinoceras* is a later, and more specialized form.

Both the animals chosen for these two restorations were evidently males, as shown by the lofty protuberances, or horn-cores, on the skull, and the powerful canine tusks. In the females, these parts are but feebly developed, as seen in the specimens described in the preceding chapters. The individuals here restored were certainly thrice-armed, and well fitted to protect themselves, and their weaker associates, from any of their Eocene enemies.

The exact form and nature of the offensive weapons which surmounted the head of the *Dinocerata* cannot, at present, be determined with certainty. That the paired osseous elevations on the skull in all the known species of this group did not support the kind of horns seen in the typical Ruminants is evident from their external surface, which lacks the vascular grooves so distinct on the horn-cores of those animals.

Possibly the *Dinocerata* may have been armed with horns similar to those seen in the American antelope *(Antilocapra)*, since, in this animal, the horn-cores are even smoother than in the order here described. More probably, however, the bony protuberances on the skull were covered with bosses of thick skin, hard enough to be effective in combat. Evidence of such contests has apparently been recorded in the injuries to the horn-cores of some individuals, received during life. None of the covering of these elevations, or horn-cores, has, of course, been preserved; yet a fortunate discovery may, perhaps, reveal their nature by the form of a natural cast, as the eye-ball of the Oreodon is sometimes thus clearly indicated in the fine Miocene matrix which envelops these animals.

The short robust feet of the *Dinocerata* were doubtless covered below with a thick pad, as in the elephant, since the whole under side of the foot clearly indicates such a protection. No portion of this covering has been preserved in any of the known specimens, and no foot-prints, indicating its form, have been discovered in the Eocene deposits in which the *Dinocerata* were entombed.

The size of *Tinoceras ingens*, as he stood in the flesh, was about twelve feet (3.65 M.) in length, or sixteen (4.9 M.), measured from the nose to the end of the tail. The height to the top of the back was about six and one-half feet (2 M.), and the width across the hips about five feet (1.5 M.). The weight, judging from that of existing mammals, was at least six thousand pounds (2.75 T.).

Dinoceras mirabile was about one-fifth smaller. The neck was longer, but, in other respects, the proportions were nearly the same.

Dinoceras mirabile when standing at rest would have a general resemblance to a very large rhinoceros. When walking, the movement of the hind limbs would at once suggest the elephant, as we know it to-day. The movement of the head in *Dinoceras* was much freer than that in the elephant, as the neck was longer, and arched upward, and the vertebræ admitted of much more freedom of motion. The eye was small, and deep set, as in the rhinoceros. The head of *Dinoceras* must have had some resemblance to that of the hippopotamus, but was very different from that of any known animal, living or extinct.

CHAPTER XIV.

CONCLUSION.

(Plates LIV–LVI, and woodcuts 147–169, below.)

The more important characters of the *Dinocerata*, so far as known, have been given in the preceding chapters, and the anatomist can now form a fair picture of characteristic members of the group. It remains to consider what the relations of this peculiar group are to the nearest allied forms, and, especially, to ascertain, if possible, whether the evidence before us throws any light on the origin of the *Dinocerata*, and, more remotely, on the genealogy of all Ungulate Mammals.

The oldest known mammals are of Triassic age, but the few specimens yet discovered give little information as to the primitive forms of this class. During Jurassic time, mammals were very abundant, and deposits of this age now offer a promising field for exploration.

Of Triassic and Jurassic mammals, the author has studied with some care every known specimen in this country, and in Europe, and some of the conclusions here given are based upon this examination. Special attention has been paid to the Jurassic mammals of this country, which the author first discovered in the Rocky Mountain region. Remains of nearly four hundred individuals, representing many genera and species, have already been secured, and their investigation promises to clear up many doubtful points in the early history of this class.

No Cretaceous mammals are known, and it is this great break in the series of ancient forms that renders any satisfactory classification of the class, living and extinct, at present impossible.

At the very base of the Tertiary, we find the class of Mammals well represented by many widely separated groups, which point back to a common ancestry, only in a very remote period.

Our present knowledge of the *Mammalia*, living and extinct, clearly indicates that they must go back at least to the Permian. The generalized mammal of that period, or of still earlier time, was probably quite small, and, in many respects, like an Insectivor. This primitive type would naturally possess all the general characters found in later forms in the various orders of mammals. The characters therefore we should expect to find in this ancestral mammal would be essentially the following:

(1.) Brain, small and smooth.
(2.) Teeth, more than forty-four.
(3.) Vertebræ, biconcave.
(4.) Trunk vertebræ, more than thirty.
(5.) Sacral vertebræ, separate.
(6.) Intercentral bones.
(7.) Chevron bones.
(8.) Cervical ribs, free.
(9.) Clavicles, free.
(10.) Coracoids, free.
(11.) Sternal bones, flat.
(12.) Humerus with supra-condylar foramen.
(13.) Feet, plantigrade.
(14.) Five digits in manus and in pes.
(15.) Carpal and tarsal bones not interlocking.
(16.) Separate central bone in carpus.
(17.) Pelvic bones, separate.
(18.) Epipubic bones.
(19.) Acetabular bones.
(20.) Femur with third trochanter.
(21.) Three bones in first tarsal row.
(22.) Astragalus, flat.
(23.) Fibula articulating with calcaneum.

This generalized mammal would belong to the group named *Hypotheria* by Huxley, who has laid a sure foundation for investigation in this line of research.

Genealogy of Ungulates.

From this primitive type of mammal, a special line apparently led off through the Triassic and Jurassic to the Cretaceous, where it formed a well marked group, which may be called the *Protungulata*, the probable ancestors of all succeeding Ungulate Mammals.

The characters of this type would be somewhat as follows:

(1.) Brain, small and smooth.
(2.) Teeth, forty-four or more.
(3.) No frontal appendages.
(4.) Odontoid process, conical.
(5.) Vertebræ, flat.
(6.) Trunk vertebræ, thirty or more.
(7.) Chevron bones.
(8.) Clavicles present.
(9.) Sternal bones, flat.
(10.) Humerus with supra-condylar foramen.
(11.) Feet, plantigrade.
(12.) Five digits in manus and in pes.
(13.) Carpal and tarsal bones not interlocking.
(14.) Separate central bone in carpus.
(15.) Femur with third trochanter.
(16.) Three bones in first tarsal row.
(17.) Astragalus, flat.
(18.) Fibula articulating with calcaneum.

From this generalized ungulate, the skeleton of which we now know almost as well apparently as if we had it before us, a direct line would appear to have continued up to the present day, and be represented by the living Hyrax. Several divergent lines passed off probably from the same stem, and three of these have continued to the present time, the survivors being the *Proboscidea*, the *Artiodactyla*, and the *Perissodactyla*.

The Proboscidian line apparently went off from the main ungulate stem in the Cretaceous. One branch ended in the later Pliocene in *Dinotherium;* another, in *Mastodon;* while the genus *Elephas* alone survives, to represent this old group.

Another strong branch, represented by a group which may be called the *Holodactyla*, probably also led off in the Cretaceous, and its typical members, at least, had the following general characters:

(1.) Brain, small and nearly smooth.
(2.) Teeth, forty-four.
(3.) Post glenoid process.
(4.) Odontoid process, conical.
(5.) Vertebræ, flat.
(6.) Trunk vertebræ, twenty-three or more.
(7.) Chevron bones.
(8.) Pelvic bones, firmly united.
(9.) Femur with third trochanter.
(10.) Ulna and fibula, complete.
(11.) Fibula articulating with calcaneum.
(12.) Five digits in manus and in pes.
(13.) Carpal and tarsal bones more or less interlocking.
(14.) Astragalus, nearly or quite flat.

This line evidently divided near the base of the Eocene into the great groups of Perissodactyls and Artiodactyls, each with many off-shoots, and still existing. The former are now on the decline, and have but three living representatives, the horse, the tapir, and the rhinoceros.

One off-set from the Perissodactyl line separated near the top of the Eocene, where it is represented by *Diplacodon*, and perhaps ended in the extinct *Brontotherium*, of the lower Miocene, although this line may have been continued somewhat later in the genus *Chalicotherium.*

From the Artiodactyl line, a peculiar group branched off in the early Eocene, and in the Miocene was represented by *Oreodon* and allied genera, and by later forms in the Pliocene. The Artiodactyls, now the dominant ungulates, have numerous families, and many living genera and species.

Another order, also, which may be termed the *Amblydactyla*, passed off apparently from the main ungulate stem in the Cretaceous, and became extinct in the Eocene. One branch terminated in *Coryphodon*, in the lower Eocene, and the other, represented by the *Dinocerata*, here described, came to an end in the Middle Eocene.

In figure 147, below, a diagram is given, which shows graphically these lines of descent, and the most probable genealogy of modern Ungulates. The diagram, being on a plane, can only indicate the general position of these divergent lines.

FIG. 147.

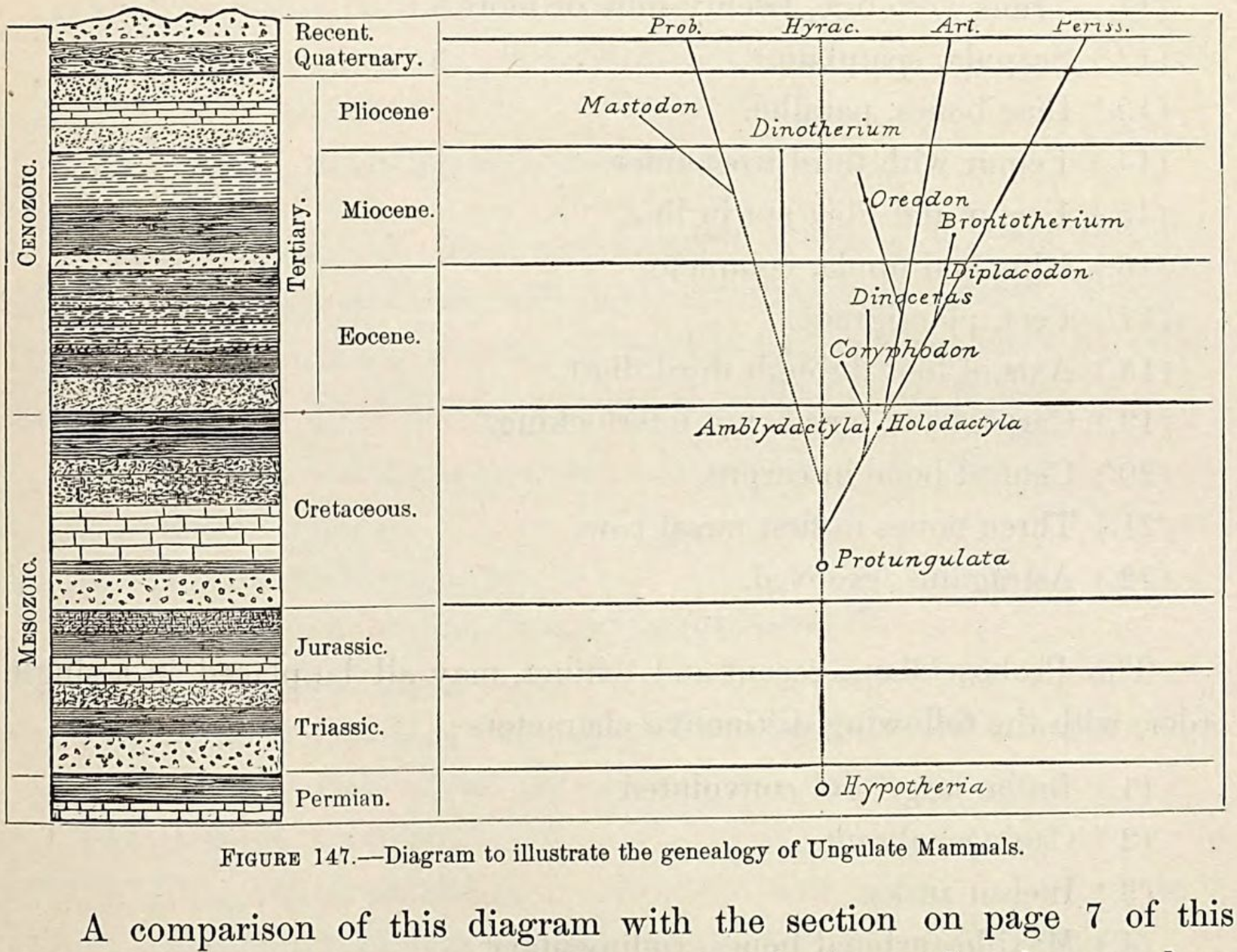

FIGURE 147.—Diagram to illustrate the genealogy of Ungulate Mammals.

A comparison of this diagram with the section on page 7 of this volume will make clear the special geological horizons of each group here referred to.

The *Hyracoidea* are represented by the existing *Hyrax*, and no fossil remains of the group are known. The principal characters of the order are as follows:

(1.) Brain, large and convoluted.
(2.) Canines, absent.
(3.) Incisor tusks.
(4.) Maxillo-turbinal bones.
(5.) Premolar and molar teeth, similar.
(6.) Malar bone articulating with lower jaw.
(7.) Alisphenoid canal.
(8.) Post-glenoid process.
(9.) Odontoid process, conical.
(10.) Cervical vertebræ, convexo-concave.
(11.) Trunk vertebræ, twenty-nine or more.
(12.) Scapula, spatulate.
(13.) Iliac bones, parallel.
(14.) Femur with third trochanter.
(15.) Femur and tibia not in line.
(16.) Ulna and fibula, complete.
(17.) Feet, plantigrade.
(18.) Axis of foot through third digit.
(19.) Carpals and tarsals not interlocking.
(20.) Central bone in carpus.
(21.) Three bones in first tarsal row.
(22.) Astragalus, grooved.

The Proboscidians, recent and extinct, may all be placed in a single order, with the following distinctive characters:

(1.) Brain, large and convoluted.
(2.) Canines, absent.
(3.) Incisor tusks.
(4.) Maxillo-turbinal bones, rudimentary.
(5.) Malar bone forming middle of zygomatic arch.
(6.) Post-glenoid process, absent.
(7.) Alisphenoid canal.
(8.) Odontoid process, conical.

(9.) Vertebræ, flat.
(10.) Scapula, acuminate.
(11.) Sternal bones, flat.
(12.) Iliac bones, transverse.
(13.) Femur and tibia in line.
(14.) Ulna and fibula, complete.
(15.) Femur without third trochanter
(16.) Feet, plantigrade.
(17.) Axis of foot through third digit.
(18.) Five digits in manus and pes.
(19.) Two bones in first tarsal row.
(20.) Carpals and tarsals, slightly interlocking.
(21.) Astragalus, flat.
(22.) Fibula articulating with calcaneum.

The *Holodactyla* were the direct ancestors of the great group to which both the Perissodactyls and Artiodactyls, living and extinct, belonged. The two latter form together a well marked order, which may be called the *Clinodactyla.* Their more important characters are as follows:

(1.) Brain, moderate in size, and convoluted.
(2.) Lower canines.
(3.) Maxillo-turbinal bones.
(4.) Malar bone forming front of zygomatic arch.
(5.) Post-glenoid process.
(6.) Cervical vertebræ, more or less convexo-concave.
(7.) Trunk vertebræ, not more than twenty-three.
(8.) Scapula, spatulate.
(9.) Iliac bones, parallel.
(10.) Femur and tibia not in line.
(11.) Feet, digitigrade.
(12.) Carpals and tarsals, strongly interlocking.
(13.) Central bone, absent.
(14.) Scaphoid articulating with magnum.
(15.) Astragalus, grooved.

Returning now to the *Amblydactyla*, or the group from which the *Dinocerata* were evidently derived, and to which they belong, we may safely assign to them general characters as follows:

(1.) Brain, small and smooth.
(2.) Teeth, not more than forty-four.
(3.) Post-glenoid process.
(4.) Odontoid process, conical.
(5.) Cervical vertebræ, flat.
(6.) Trunk vertebræ, twenty-three or more.
(7.) Scapula, acuminate.
(8.) Feet, plantigrade.
(9.) Five digits in manus and in pes.
(10.) Axis of foot through third digit.
(11.) Carpal and tarsal bones, somewhat interlocking.
(12.) Three bones in first tarsal row.
(13.) Astragalus, flat.
(14.) Fibula articulating with calcaneum.
(15.) Cuboid articulating with astragalus.

From this group came off, evidently in the late Cretaceous, first the *Coryphodontia*, having nearly all the above characters, and becoming extinct in the early Eocene. The *Dinocerata* probably branched off about the same time, and survived to the Middle Eocene, thus becoming much more specialized before their extinction.

Classification of Ungulates.

Accepting this general view of the origin of the Ungulates, living and extinct, their classification has been outlined in the diagram on page 173, and little more can now be done.

The attempts hitherto made to give a detailed classification of all the Mammalia, living and extinct, have signally failed, mainly because only a small part of even the extinct forms now known were included, and almost every new discovery tended to break down the definitions so systematically

recorded. The time for such an exhaustive classification has not yet arrived, and all that can be safely ventured upon in the present state of knowledge is to indicate the main groups, and their affinities, and await future discoveries.

Excluding the aberrant aquatic Sirenians, now regarded as of ungulate ancestry, and leaving out also *Toxodon* and other little known extinct forms, the Ungulate Mammals may then be arranged in natural groups, as follows:

CLASS MAMMALIA.

Sub-Class MONODELPHIA.

Super-Order UNGULATA.

(1.) Order Hyracoidea.
(2.) Order Proboscidea.
(3.) Order Amblydactyla { Dinocerata. / Coryphodontia.
(4.) Order Clinodactyla { Mesaxonia (Perissodactyla). / Paraxonia (Artiodactyla).

Before proceeding to discuss the relations of the *Dinocerata* to allied forms, it is important to first consider the relative value of the characters they share with these allies, and with groups still more remote.

The characters found in existing mammals, and, to a great extent, in the extinct forms from the Tertiary to the present time, are clearly of two kinds; general characters, derived from ancestral forms, and special characters, acquired in adaptation to their environment. Some of the latter may be negative characters, acquired by the disuse, or loss, of parts once advantageous.

The first series of characters are of most importance, as they indicate a genetic connection, perhaps remote, with the different groups that share them. Special characters, on the other hand, however closely they may correspond in different groups; do not necessarily indicate affinities, but may have been acquired by adaptation to peculiar surroundings, in groups quite distinct from each other.

These facts lie at the foundation of classification, and it is only by keeping the two series of characters separate, that the true relationship between different groups of animals can be made out, and their genealogy indicated with any probability.

Bearing this in mind in considering the *Dinocerata*, we must first seek to ascertain what general characters they have inherited from ancestral forms, and next what special characters they have since acquired. The relation of the group to the orders of existing Ungulates will then be indicated by ascertaining what characters, derived from a common ancestry, they share with each other, and what special characters, due, perhaps, to influences of similar nature, they possess in common.

We have seen that the primitive Mammals (*Hypotheria*) must have possessed a large number of general characters, some of which have already been given in the list on page 170. The primitive Ungulates (*Protungulata*), starting off on a particular line from the preceding type, would naturally retain nearly all these general characters, as indicated in the list on page 171. Each of the great branches that passed off from this parent stem retained a certain number of these primal characters, and some of them we find in the Ungulates of to-day.

The characters possessed by the *Holodactyla* were most of them still the ancestral features, and the *Amblydactyla*, on the line toward the *Dinocerata*, shared many of the same characters.

The *Dinocerata*, representing a further stage of progress, had still as their inheritance a number of persistent general characters. Some of these characters are the following:

(1.) Brain, small and smooth.
(2.) Orbit open behind.
(3.) Post-glenoid process.
(4.) Alisphenoid canal.
(5.) Vertebræ, flat.
(6.) Odontoid process, conical.
(7.) Sternum, flat.
(8.) Feet, plantigrade.

(9.) Five digits in manus and in pes.
(10.) Three bones in first tarsal row.
(11.) Astragalus, flat.

The specialized characters of the *Dinocerata*, acquired, doubtless, since this line separated from the *Protungulata*, are as follows:

(1.) Pre-nasal bones.
(2.) No upper incisors.
(3.) Canine tusks.
(4.) Skull surmounted with protuberances.
(5.) Condyle of lower jaw, posterior.
(6.) Pendent processes on lower jaw.
(7.) Iliac bones, transverse.
(8.) Femur and tibia in line.

If we now compare the *Dinocerata* with the *Coryphodontia*, we find they agree in the following characters:

(1.) Brain, small, and nearly smooth.
(2.) General form of teeth.
(3.) Temporal fossæ, widely separated.
(4.) Post-glenoid process.
(5.) Odontoid process, conical.
(6.) Vertebræ, flat.
(7.) Scapula, acuminate.
(8.) Feet, plantigrade.
(9.) Five digits in manus and in pes.
(10.) Axis of foot through third digit.
(11.) Three bones in first tarsal row.
(12.) Astragalus, flat.
(13.) Fibula articulating with calcaneum.
(14.) Cuboid articulating with astragalus.

In comparing the *Dinocerata* with living forms, and first with the Proboscidians, we find certain characters common to both, some of which at least, are general features, derived from a remote common ancestry. The more important of these characters are as follows:

(1.) Alisphenoid canal.
(2) Odontoid process, conical.
(3.) Vertebræ, flat.
(4.) Scapula, acuminate.
(5.) Sternal bones, flat.
(6.) Iliac bones, transverse.
(7.) Fibula, complete.
(8.) Femur and tibia in line.
(9.) Femur without third trochanter.
(10.) Five digits in manus and pes.
(11.) Axis of foot through third digit.
(12.) Fibula articulating with calcaneum.
(13.) Astragalus, flat.
(14.) Digits enclosed in a common integument.

The characters found in the *Dinocerata*, and not in the existing *Proboscidea* are more important, and more numerous. Among these characters are the following:

(1.) Brain, small and smooth.
(2.) No upper incisors.
(3.) Canine teeth above and below.
(4.) Anterior nares in front.
(5.) Pre-nasal bones.
(6.) Maxillo-turbinal bones, well developed.
(7.) Skull surmounted with protuberances.
(8.) Premaxillaries not meeting frontals.
(9.) Malar bone forming anterior part of zygomatic arch.
(10.) Post-glenoid process.
(11.) Condyle of lower jaw, posterior.
(12.) Neck of medium length.
(13.) Three bones in first tarsal row.
(14.) Astragalus articulating with cuboid.

If now we compare the *Dinocerata* with the Perissodactyls, we find an agreement in the following characters:

(1.) Premolar and molar teeth similar in form.
(2.) Nasal bones expanding posteriorly.
(3.) Malar bone forming front of zygomatic arch.
(4.) Alisphenoid canal.
(5) Posterior nares between last molars.
(6.) Post-glenoid process.
(7.) Carpal and tarsal bones, more or less interlocking.
(8.) Axis of foot through third digit.
(9.) Astragalus articulating with cuboid.

With the typical Artiodactyls, the *Dinocerata* have the following characters in common:

(1.) Cranial protuberances in pairs.
(2.) No upper incisors.
(3.) Premaxillary bones uniting with maxillaries and nasals.
(4.) Premaxillaries with palatine plates.
(5.) Lower incisors and canine in continuous series.
(6.) Sternal bones, flat.
(7.) Femur without third trochanter.
(8.) Carpal and tarsal bones, more or less interlocking.
(9.) Fibula articulating with calcaneum.
(10). Astragalus articulating with cuboid.

Modification of the Ungulate Foot.

The characters of most importance in Ungulate Mammals are found in the teeth, the brain, and the feet. The last are of special interest in the present connection, as they mark the stages of development in each group from the primitive Ungulates to the highly modified forms existing to-day. A brief statement of this development will make more clear the relation of the *Dinocerata* to other groups of Ungulates, with which we have already compared them.

The most generalized limbs in any vertebrates, above the class of fishes, are seen in some of the extinct aquatic reptiles, especially in forms allied to *Ichthyosaurus*. Here, as the author has shown,[1] we may find in one group,

(1.) Each limb a simple fin, or paddle,
(2.) Fore and hind limbs identical in structure,
(3.) Axis of limb through intermedial bone and third digit,
(4.) Single bone (humerus or femur) in propodial, or first, segment,
(5.) Three bones, including intermedial, in epipodial, or second, segment,
(6.) Mesopodial bones (carpals or tarsals) circular disks,
(7.) Number of digits six or more,
(8.) Metapodial bones and phalanges circular disks,
(9.) Phalanges, very numerous.

This is a primitive aquatic limb, flexible, but without joints, and adapted to swimming only. An example of such a limb is seen in figure 148, below.

For progression both in water and on wet ground, an essential modification of such a limb would be required, and a type seen in some of the living reptiles would gradually be developed. This limb would be jointed at two points, and have five digits, with the axis through the middle one. The foot in this limb would be very similar to the generalized foot of the primitive Mammal, and may here be taken as its representative. An example of such a foot is shown in figure 149.

In the true Ungulate Mammals, the modifications of the feet have undoubtedly taken place very nearly in the following manner:

(1.) The primitive Ungulates (*Protungulata*) must have had plantigrade, pentadactyl, feet, with the carpals and tarsals not interlocking, either with the metapodial bones, or with their own adjoining series. This would give a weak foot, adapted especially to progression in soft

[1] Limbs of Sauranodon, etc., American Journal of Science, 1880.

swampy ground. This type of foot would be somewhat like that represented in figure 149, below.

FIG. 148.

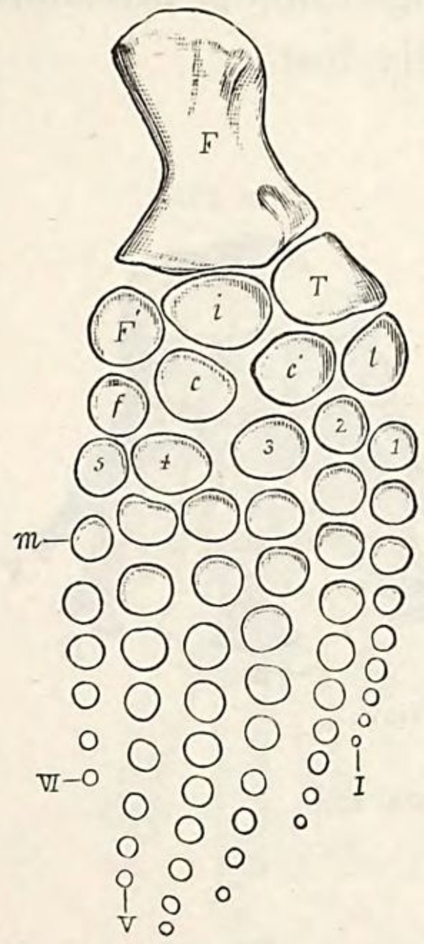

FIG. 149.

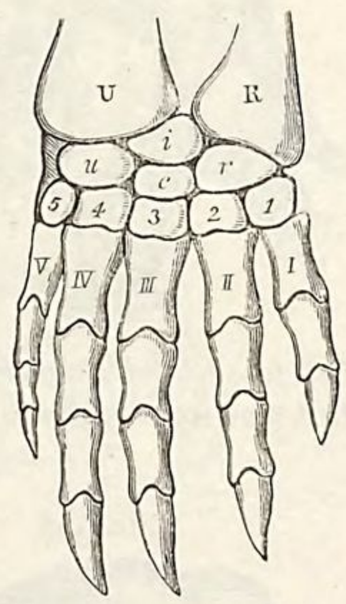

FIGURE 148.—Left hind limb of *Baptanodon discus*, Marsh; seen from below; one-eighth natural size.

FIGURE 149.—Right fore foot of *Chelydra serpentina*, Linnæus; front view (after Gegenbaur).

F. femur; F′. fibula; *i*. intermedium; *c*. central bone; *f*. fibulare; *m*. metatarsals; R. radius; *r*. radiale; T. tibia; *t*. tibiale; U. ulna; *u*. ulnare.

The Roman numerals denote the ordinal number of each digit present, counting from the inner side of the pentadactyl foot.

(2.) For locomotion on dry hard ground, a stronger foot was required, and a modification would soon take place, in the interlocking of the metapodials with the second row of carpals or tarsals that supported them. Examples of nearly this stage are seen in the fore feet of *Coryphodon* and *Dinoceras*, as shown in figures 150 and 152, below. The fore foot of the elephant (figure 156) will also serve to illustrate the same stage.

(3.) A still stronger foot was produced by the further interlocking of both the first and second row of carpals and tarsals, as well as the latter row with the metapodials below. This general type of foot belongs to the *Holodactyla*, and is seen also in some of the early Perissodactyls.

During these two stages of modification, or at a later period, a reduction in the number of digits in some forms also took place, evidently as a result of the same causes. As progression on dry land with the plantigrade five-toed foot began, the first digit, being the shortest of the series, soon left the ground, and was gradually lost.

FIG. 150.

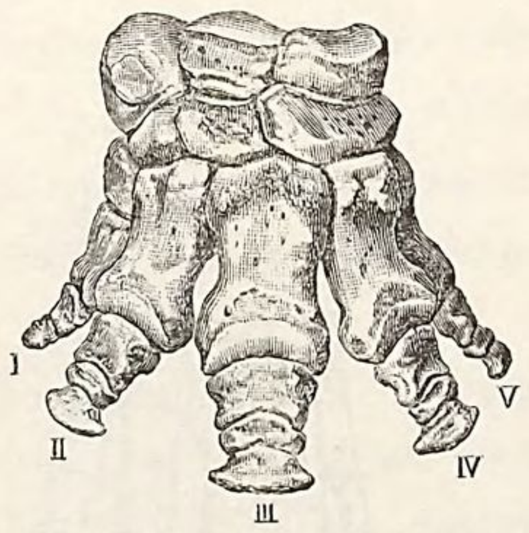

FIG. 151.

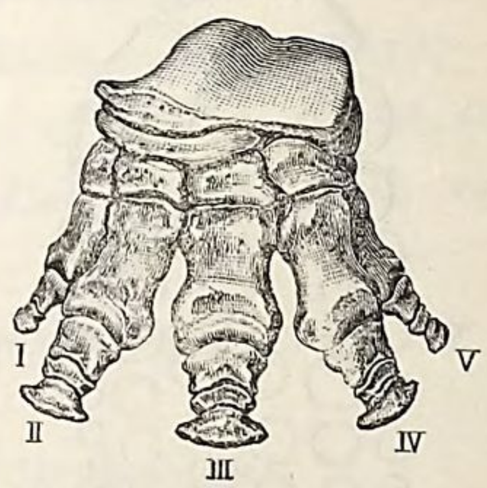

FIGURE 150.—Left fore foot of *Coryphodon hamatus*, Marsh, front view.
FIGURE 151.—Left hind foot of same.

Both figures are one-third natural size.

FIG. 152.

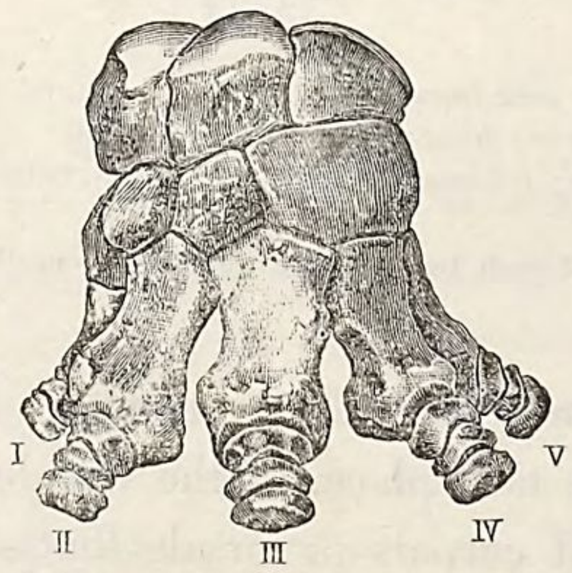

FIG. 153.

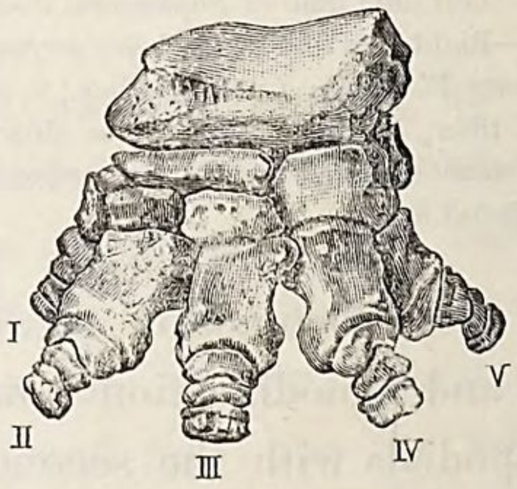

FIGURE 152.—Left fore foot of *Dinoceras mirabile*, Marsh.
FIGURE 153.—Left hind foot of same.

Both figures are one-fifth natural size.

The four remaining digits, having to do the work of five, were strengthened by the interlocking already mentioned, and also by coming nearer together.

(4.) In the next change that occurred, two kinds of reduction began. One leading to the existing Perissodactyl foot, and the other, apparently later, resulting in the Artiodactyl type. In the former, the axis of the foot remained in the middle of the third digit, as in the

pentadactyl foot. In the latter, it shifted to the outer side of this digit, or between the third and fourth toes. An example of the former is seen in the fore foot of *Brontotherium* and *Rhinoceros*, figures 158 and 160, below, while *Oreodon* and the hippopotamus, figures 162–165, show the latter type.

FIG. 154.

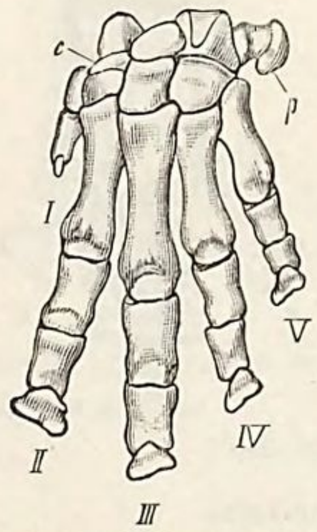

FIG. 155.

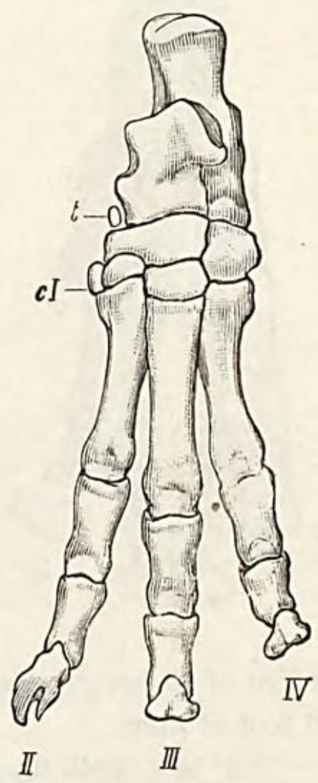

FIGURE 154.—Left fore foot of *Hyrax capensis*, Schrebr.

FIGURE 155.—Left hind foot of same.

c. central bone; *c*I. entocuneiform; *p*. pisiform; t. tibiale.

Both figures are natural size.

FIG. 156.

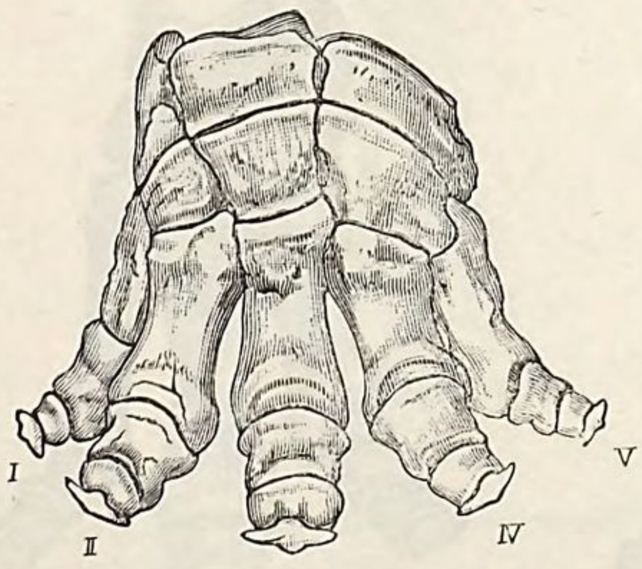

FIG. 157.

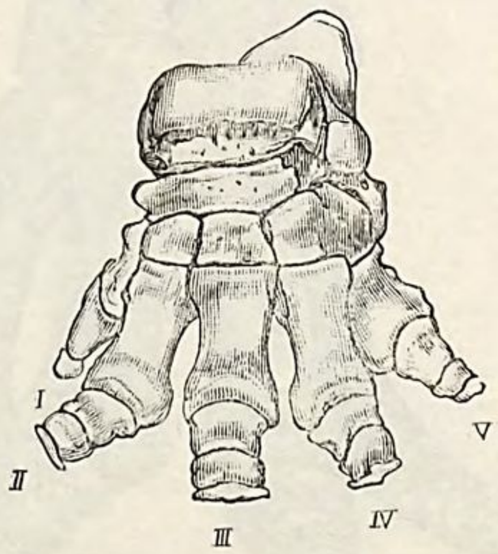

FIGURE 156.—Left fore foot of *Elephas Indicus*, Linnæus.

FIGURE 157.—Left hind foot of same.

Both figures are one-eighth natural size.

The position of the axis is the distinctive feature between these two types of feet, and not the number of toes, as the names usually applied to them indicate. In this respect, the terms Artiodactyl and Perissodactyl are misleading, and hence the names *Paraxonia* and *Mesaxonia* were proposed by the author, as substitutes, to express the true axial relation.

FIG. 158.

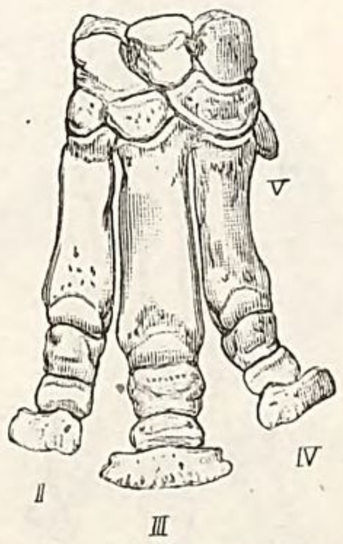

FIG. 159.

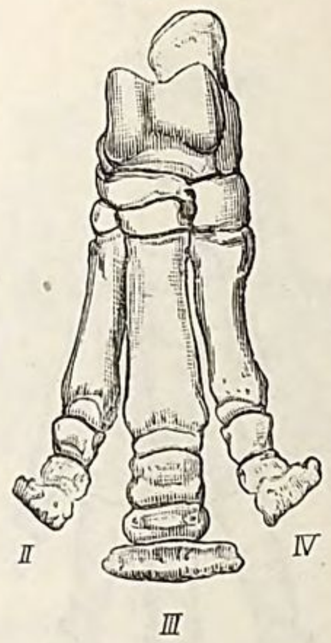

FIGURE 158.—Left fore foot of *Rhinoceros bicornis*, Linnæus.
FIGURE 159.—Left hind foot of same.

Both figures are one-eighth natural size.

FIG. 160.

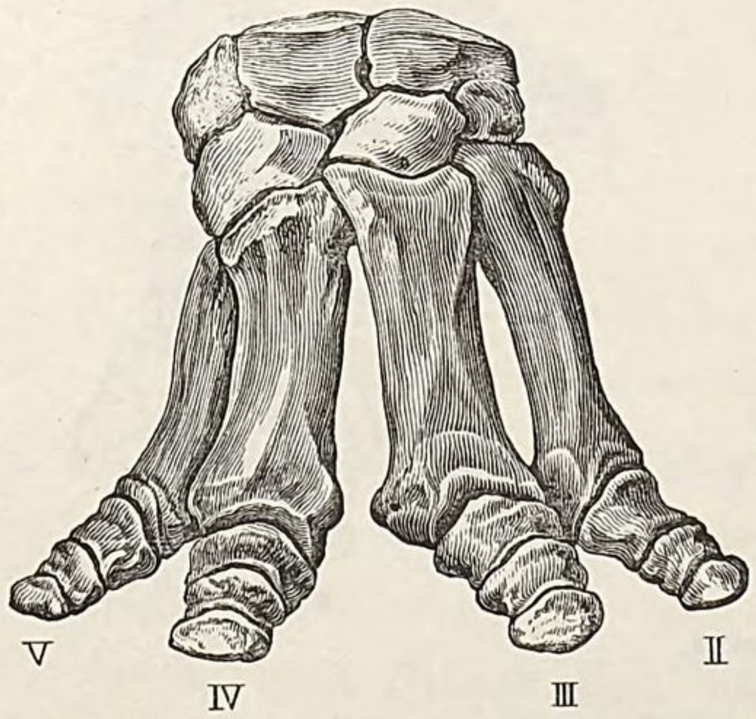

FIG. 161.

FIGURE 160.—Right fore foot of *Brontotherium ingens*, Marsh.
FIGURE 161.—Right hind foot of same.

Both figures are one-sixth natural size.

(5.) In the further reduction of the Perissodactyl foot, the fifth digit, being shorter than the remaining three, next left the ground, and

FIG. 162.

FIG. 163.

FIGURE 162.—Left fore foot of *Eporeodon socialis*, Marsh.
FIGURE 163.—Left hind foot of same.
Both figures are one-third natural size.

FIG. 164.

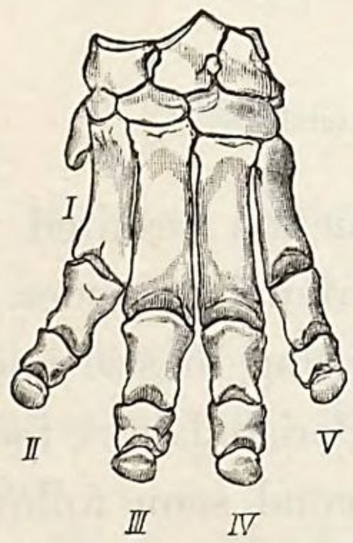

FIG. 165.

FIGURE 164.—Left fore foot of *Hippopotamus amphibius*, Linnæus.
FIGURE 165.—Left hind foot of same.
Both figures are one-eighth natural size.

gradually disappeared. Of the three remaining toes, the middle, or axial, one was the longest, and retaining its supremacy, as greater strength and speed were required, finally assumed the chief support of the foot, while

the outer digits left the ground, ceased to be of use, and were lost, except as splint bones. The foot of the existing horse (figures 166 and 167) shows the best example of this reduction in the Perissodactyls, as it is the most specialized known in the Ungulates.

FIG. 166.

FIG. 167.

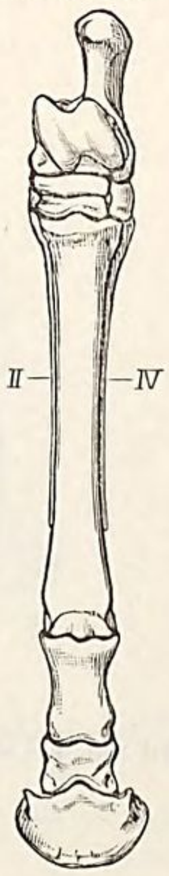

FIG. 168.

FIG. 169.

FIGURE 166.—Left fore foot of horse (*Equus caballus*, Linnæus).
FIGURE 167.—Left hind foot of same.
Both figures are one-eighth natural size.
FIGURE 168.—Left fore foot of goat (*Capra hircus*, Linnæus).
FIGURE 169.—Left hind foot of same.
Both figures are one-fifth natural size.

(6.) In the Artiodactyl foot, the reduction resulted in the gradual diminution of the two outer of the four remaining toes, the third and fourth doing all the work, and thus increasing in size and power. The fifth digit, for the same reasons as in the Perissodactyl foot, first left the ground, and became smaller. Next, the second soon followed, and these two gradually ceased to be functional, or were lost entirely, as in some of the Artiodactyls of to-day. The feet of the goat, figures 168 and 169, above, show this extreme reduction.

As the author has shown elsewhere, these reductions of the feet, and of the entire limbs, led to greater strength and speed, as the motion, before irregular, gradually came to act in a single plane.

The limb of the modern race-horse is a nearly perfect piece of machinery, especially adapted to great speed on dry, level, ground. The limb of an antelope, or deer, is likewise well fitted for rapid motion on a plain, but the foot itself is adapted to rough mountain work, as well, and it is to this advantage, in part, that the Artiodactyls owe their present supremacy.

The plantigrade, pentadactyl, foot of the primitive Ungulate, and even the Perissodactyl foot that succeeded it, both belong to the past humid period of the world's history. As the surface of the earth slowly dried up, in the gradual desiccation still in progress, new types of feet became a necessity, and the horse, antelope, and camel, were gradually developed, to meet the altered conditions.

The Proboscidians and Perissodactyls now living, except the horse, are doomed to early extinction, but the Artiodactyls, with their greater power of adaptation, will replace them, and perhaps develop new forms.

The genealogy of the special Ungulate lines which ended in the horse, tapir, and rhinoceros, of the Perissodactyls, and of the pig, camel, and deer, among the Artiodactyls, has already been marked out by the author elsewhere,[1] and need not here be repeated, especially as the subject will be fully discussed in a future volume.

Extinction of Large Mammals.

During the Mesozoic period, all the mammals appear to have been small, and it is not probable that any of large size existed, as reptilian life then reigned supreme. With the dawn of the Tertiary, a new era began, and mammalian life first found the conditions for its full and rapid development.

In the lower Eocene, the largest land mammal was *Coryphodon*, more than the equal, in size and power, of any of the reptiles of that time. *Dinoceras* and its allies, in the middle Eocene, were much larger, and were

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[1] Introduction and Succession of Vertebrate Life in America, 1877. See also New Equine Mammals, etc., 1874, and Polydactyle Horses Recent and Extinct, 1879.

clearly the monarchs of the region in which they lived. In the upper Eocene, *Diplacodon*, about the size of the rhinoceros, was the largest mammal, but each of these three died out in the period in which it flourished.

At the base of the Miocene, the huge *Brontotheridæ*, nearly as large as the elephant, suddenly appear in great numbers. They remained for a short time the dominant land animals, and then became extinct.

The Proboscidians were the giants of the Pliocene, and hold the supremacy in size to-day, but are evidently a declining race, and must soon disappear.

The cause of the successive disappearance of each group of these large Tertiary mammals is not difficult to find. The small brain, highly specialized characters, and huge bulk, rendered them incapable of adapting themselves to new conditions, and a change of surroundings brought extinction. Smaller mammals, with larger brains, and more plastic structure, readily adapt themselves to their environment, and survive, or even send off new and vigorous lines.

The *Dinocerata*, with their very diminutive brain, fixed characters, and massive frames, flourished as long as the conditions were especially favorable, but, with the first geological change, they perished, and left no descendants.

Classification of Dinocerata.

The relations of the *Dinocerata* to other orders of mammals have now been fully considered in the preceding pages, and the main conclusions reached are given on pages 173 and 177. The generic sub-divisions of this group do not appear widely separated from each other, although at least three types, from successive geological horizons, can be distinguished. The species are numerous, and well marked, and there is strong evidence that many, if not all of them are from separate horizons. The differences due to age and sex are also manifest, and have been duly considered in estimating distinctive characters.

The *Dinocerata* now known may be placed in three genera: *Dinoceras*, *Tinoceras*, and *Uintatherium*. These may be separated by characters of the skull, vertebræ, and feet. There are also indications of several intermediate forms, which may, perhaps, be found to represent sub-genera, when additional specimens in good preservation are secured for comparison. Twenty-nine species may be distinguished, mainly by the skull alone, which, at present, offers the best distinctive characters.

Sub-order DINOCERATA, Marsh.

Family TINOCERATIDÆ, Marsh.

Uintatherium, Leidy.	*Dinoceras*, Marsh.	*Tinoceras*, Marsh.
Teeth, thirty-six.	Teeth, thirty-four.	Teeth, thirty-four.
Lower premolars, four.	Lower premolars, three.	Lower premolars, three.
Base of canine tusk, nearly vertical.	Base of canine tusk, nearly vertical.	Base of canine tusk, horizontal.
Parietal protuberance above post-glenoid process.	Parietal protuberance above post-glenoid process.	Parietal protuberance behind post-glenoid process.
Cervical vertebræ of moderate length.	Cervical vertebræ less elongate.	Cervical vertebræ short.
Lunar articulating with trapezoid?	Lunar articulating with trapezoid.	Lunar not articulating with trapezoid.

These three genera clearly represent three stages of development of the *Dinocerata*, and these stages correspond to the successive horizons of the middle Eocene in which the remains of these animals were entombed. *Uintatherium*, the most generalized type, is found at the lowest level; *Dinoceras* is from a somewhat higher stratum; and *Tinoceras*, the most specialized of all, occurs in the latest deposits.

In the Synopsis which follows this chapter, a systematic list of all the species of the *Dinocerata* is given in detail. In connection with the preceding pages, and the Plates at the end of the volume, this will place before the reader everything of importance now known in regard to the *Dinocerata*.

APPENDIX.

SYNOPSIS OF DINOCERATA.

The present synopsis contains a list of all the known species of the *Dinocerata*, and at least one characteristic figure of each species not elsewhere illustrated in this volume. Full references, also, are given to all the important literature. The complete titles of the works cited will be found in the Bibliography, which follows this synopsis. A brief history of the discovery of each specimen of importance, with the locality, geological horizon, collector, date, the nature of the remains, and where now preserved, is likewise placed on record under each species, as an essential part of a Monograph of the group.

The dates of publication of the various papers on the *Dinocerata* have been carefully reëxamined, and those here given are substantiated by conclusive evidence. The names adopted for genera and species are based on priority alone, except in the cases of those already used. For the higher groups, the new names proposed are to replace those previously applied, or to gain appropriate terms for nomenclature. *Amblydactyla* has thus been substituted for *Amblypoda*, and *Coryphodontia*, for *Pantodonta*, the names replaced being both essentially pre-occupied. The last term, moreover, has no significance when applied to the group of which *Coryphodon* is the original and characteristic type. The names *Protungulata*, *Holodactyla*, and *Clinodactyla*, express, respectively, a prominent feature of the groups they represent, and hence have been introduced in the preceding chapter.

DINOCERAS,[1] Marsh, 1872.

Dinoceras mirabile, Marsh.

(Plates I–VIII, XX–XLII, XLIV–LV.)

Woodcuts: 3, p. 13; 7, p. 15; 13, p. 19; 26, p. 26; 34, 35, p. 31; 39, 40, p. 38; 43, 44, 45, p. 42; 63, p. 61; 89, 90, p. 76; 91, 92, p. 77; 95, 96, p. 80; 99, 100, p. 82; 106, 107, p. 91; 108, 109, p. 94; 111, p. 98; 113, p. 103; 114, p. 105; 118, p. 108; 119, 120, p. 112; 121, 122, p. 115; 123, p. 119; 129, 130, 131, 132, p. 131; 133, p. 134; 137, 138, p. 141; 143, 144, p. 152; 145, 146, p. 154; 152, 153, p. 184.

Marsh, American Journal of Science and Arts (3), Vol. IV, p. 344, October, 1872; Vol. V, p. 119, Plates I and II, February, 1873; Vol. XI, p. 164, Plates II–IV, February, 1876; Vol. XXII, pp. 31, 32, Plate II, July, 1881.
American Naturalist, Vol. VII, p. 148, Plates I and II, March, 1873.
Proceedings of the American Philosophical Society, Vol. XII, p. 579, 1872; Vol. XIII, p. 256, 1873.
Fifth Annual Report of the U. S. Geological Survey, (figures from present volume, viz:) fig. 38, p. 256; 39, p. 257; 40, p. 258; 44, p. 260; 50, p. 263; 61, p. 268; 69, 70, p. 272; 76, 77, p. 275; 80, 81, 82, p. 278; 100, p. 289; 116, 117, p. 295; 120–123, p. 296; 134, 135, p. 301; 136, p. 302, 1884.
Garrod, Journal of Anatomy and Physiology, Vol. VII, pp. 267, 268, June, 1873.
The same, Complete Writings, pp. 121, 122, 1881.
Nature, Vol. VII (skull figured), p. 366, March 13, 1873.
Gaudry, Les Enchaînements du Monde Animal, p. 74, fig. 86, 1878.
Nicholson, Manual of Palæontology, Vol. II, pp. 370–373, figs. 656, 657, 1879.
Dana, Manual of Geology, 3d ed., Plate VII, figs. 1–4 (from present volume), 1880.
LeConte, Elements of Geology, pp. 525, 526, figs. 845, 845*a* (from present volume), 1882.
Flower, Encyclopædia Britannica, Vol. XV, p. 426, fig. 105, 1883.
Cope (Uintatherium mirabile).—Hayden's Report U. S. Geological Survey of the Territories for 1872, pp. 581, 584, 1873.
Proceedings of the Philadelphia Academy of Natural Sciences, Vol. XXV, p. 102, 1873.
Proceedings of the American Philosophical Society, Vol. XIII, pp. 61, 65, 1873.
Leidy (Uintatherium mirabile).—Extinct Vertebrate Fauna, pp. 97, 108, 332, 333, 1873.
Osborn (Uintatherium mirabile).—Memoir upon Loxolophodon and Uintatherium, pp. 24, 25, 1881.

The type specimen (number 1036) of this species was obtained in 1872 and 1873, by Messrs. B. D. Smith, J. W. Chew, and the author, from Big Bone Buttes, about twenty miles east-southeast of Fort Bridger, and twenty-five miles west of Green River, Wyoming.

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[1] *Δεινὸς*, terrible, and *κέρας*, a horn.

This specimen consists of a skull, complete except the lower jaws, cervical and lumbar vertebræ, ribs, pelvis, limb bones, etc.

Other specimens here referred to this species are as follows:

Number 1195, collected by Mr. J. W. Chew, near Sage Creek, about twelve miles southeast of Fort Bridger, and over thirty miles west of Green River, Wyoming, and consisting of bones of the fore leg and foot.

Number 1199, collected by Mr. F. S. Wicks, in 1873, near Henry's Fork, about ten miles below Lone Tree, and twenty miles west of Green River, Wyoming, consisting of bones of the feet, etc.

Number 1200, collected by the author, in August, 1873, at the Divide near Henry's Fork, nearly twenty miles southeast of Fort Bridger, and thirty miles west of Green River, Wyoming, consisting principally of carpal bones.

Number 1206, collected by Mr. O. Harger, in 1873, from the Divide west of Henry's Fork, and consisting of a radius, ulna, femur, etc.

Number 1208, collected by Mr. J. W. Chew and Mr. B. D. Smith, in 1873, near Sage Creek, about fifteen miles southeast of Fort Bridger, and nearly thirty-five west of Green River, Wyoming, and consisting of bones of the feet, etc.

Number 1210, obtained by Mr. J. W. Chew, November, 1874, in Wyoming, and consisting of sternum, femur, patella, tibia, feet bones, etc.

Number 1211, collected by Messrs. H. G. Cheney and H. A. Oaks, in August, 1873, at Old Hat Mountain, Henry's Fork, eighteen miles southeast of Fort Bridger, and about thirty-five west of Green River, Wyoming, and consisting of a fore foot, etc.

Number 1212, obtained by Messrs. S. Smith and J. W. Chew, November, 1873, near Sage Creek, Wyoming, and consisting of lower jaws, vertebræ, humerus, etc.

Number 1215, collected by Messrs. S. Smith and J. W. Chew, in 1873, at Cattail Springs, nearly thirty miles east-southeast of Fort Bridger, and about eighteen miles west of Green River, Wyoming, and consisting of a scapula, portions of the pelvis, etc.

Number 1218, collected by Messrs. S. Smith and S. Pearson, in October, 1875, about four miles below Lone Tree, on Henry's Fork, and twenty-five miles west of Green River, Wyoming, and consisting of a large part of a skeleton, especially bones of the feet and legs.

Number 1225, collected by Mr. J. W. Chew, near Henry's Fork, about twenty-five miles west of Green River, Wyoming, consisting of portions of the skull, vertebræ, bones of the feet, etc.

Number 1226, collected in 1873, by Messrs. S. Smith, J. W. Chew, and the author, at Big Bone Buttes, Wyoming, and consisting of portions of the skull, etc.

Number 1230, collected by Mr. E. S. Lane, in August, 1873, on the Divide west of Henry's Fork, Wyoming, and consisting of carpal bones.

Number 1232, collected by Mr. J. W. Chew, in 1874, in Wyoming, consisting of parts of a pelvis, and various limb bones.

Number 1234, collected by Mr. L. Lamotte, at Camp Springs, Wyoming, in 1873, consisting of limb bones, caudal vertebræ, etc.

Number 1245, collected in 1872, by Messrs. B. D. Smith and J. W. Chew, at Big Bone Buttes, Wyoming, and consisting of a humerus, etc.

Number 1247, collected in November, 1873, by Messrs. S. Smith and J. W. Chew, at Tule Springs, near Sage Creek, Wyoming, and consisting of tarsal bones, etc.

Number 1248, collected by Mr. B. D. Smith, in 1871, at Henry's Fork, Wyoming, and consisting of axis, femur, tibia, etc.

Number 1251, collected by Mr. J. Heisey, May, 1876, eight miles south of Dug Springs, near Haystack Mountain, about sixty-five miles east of Green River, and twenty-five miles south of the Union Pacific railroad, Wyoming, and consisting of vertebræ, etc.

Number 1252, collected by Mr. S. Smith, in February, 1875, north of Leavitt's Ranch on Henry's Fork about twenty miles west of Green River, Wyoming, consisting of parts of the skull, a tibia, fibula, etc.

Number 1255, collected in June, 1874, by Mr. L. Lamotte, at Big Bone Buttes, and consisting of part of the lower jaws, showing milk incisors in position, cervical and dorsal vertebræ, ribs, and limb bones, etc.

Number 1490, collected by Mr. L. Lamotte, in Wyoming, and consisting of incisor teeth.

Number 1514, collected by Mr. J. Heisey, May, 1876, eight miles south of Dug Springs, Wyoming, and consisting of lower jaws with molars.

Number 1520, collected by Dr. J. V. A. Carter, in Wyoming, consisting of fragments of a skull, carpal bones, vertebræ, etc.

Number 1528, collected by Mr. J. W. Chew, in 1875, near Henry's Fork, Wyoming, consisting mostly of tarsal bones.

Number 1529, collected in Wyoming, by an Indian, called Shoshone John, and consisting of a considerable number of bones from several different skeletons.

Number 1548, collected by Messrs. S. Smith and J. W. Chew, in November, 1873, near Sage Creek, Wyoming, consisting of a parietal horn-core, leg bones, etc.

The geological horizon of all these specimens is in the Dinoceras, or Bridger, beds of the Middle Eocene, as shown in the section on page 7.

The remains of the specimens here described are preserved in the Museum of Yale College.

Dinoceras agreste, Marsh, *n. s.*

Woodcut: 15, p. 19.

In this species, the nasals are separated in front by a distinct suture, extending back beyond the anterior projection of the premaxillary bone. They taper to a blunt conical point, which is much roughened, but presents no certain evidence of the attachment of prenasals.

The diastema behind the upper canine is nearly straight, and of moderate length (about 7 cm.), and, in this region, the palate is strongly vaulted. The palato-maxillary foramen is opposite the first premolar.

The posterior end of the malar bone was received into a shallow pit, in front of the glenoid cavity of the squamosal.

The occiput (figure 15, page 19) has the upper angles well rounded, and presents a median tubercle in the line of the vertical ridge. The foramen magnum is broad, and rises somewhat above the level of the condyles.

The type specimen (number 1221) of this species was discovered in 1873, by Mr. L. Lamotte, near Spanish John's Meadow, about thirty miles east-southeast of Fort Bridger, and fifteen miles west of Green River, Wyoming

This specimen consists of a skull, scapula, ribs, etc.

The geological horizon of this species is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are preserved in the Yale College Museum.

Dinoceras cuneum, Marsh, *n. s.*

Woodcuts 93, 94, p. 77 ; 170, 171, below.

FIG. 170.

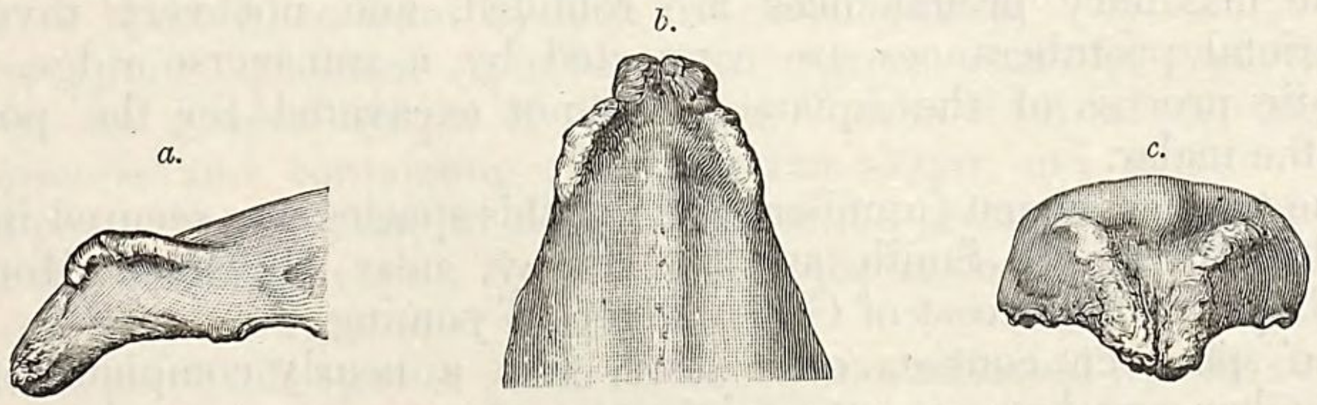

FIGURE 170.—Nasals of *Dinoceras cuneum*, Marsh (No. 1207).
a. side view; *b.* top view; *c.* front view.
One-fifth natural size.

The skull in this species tapers in front, but, in the type-specimen (number 1042), the nasal protuberances are not well preserved. The

maxillary protuberances are well developed, divergent, and connected by a moderate ridge. The top of the skull behind this is flattened, and separated from the lateral surface by a more or less prominent ridge, rising well on the front surface of the elevated parietal processes. These processes are over the post-glenoid processes. They are high, and, toward the apex, flattened antero-posteriorly, while they expand in transverse diameter. The ridge connecting them across the surface of the skull is present, but not elevated.

The foramen magnum is slightly higher than the occipital condyles. The palate is excavated in the region of the diastema.

FIG. 171.

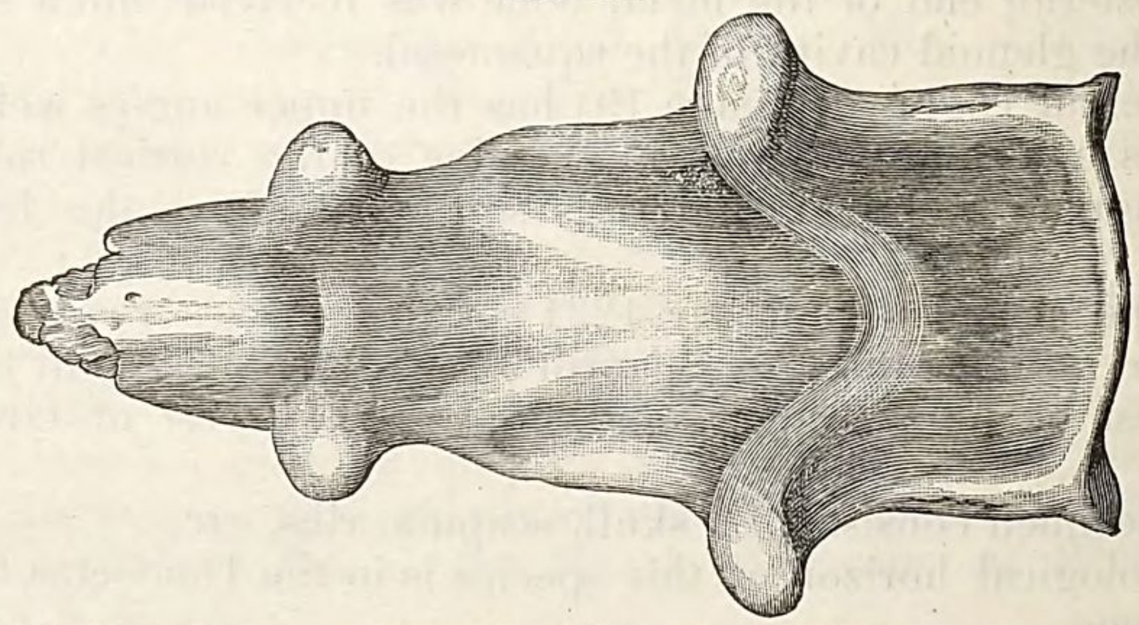

FIGURE 171.—Skull of *Dinoceras cuneum*, Marsh (No. 1042); seen from above. One-eighth natural size.

Another specimen (number 1207, figure 170) has the snout very tapering in front, and the nasal protuberances small, though rather prominent. The median suture is entirely obliterated, and the prenasals, if present, are thoroughly co-ossified with each other, and with the nasal bones.

The maxillary prominences are rounded, and not very divergent. The parietal protuberances are connected by a transverse ridge. The zygomatic process of the squamosal is not excavated for the posterior end of the malar.

The type specimen (number 1042) of this species was secured in May, 1875, by Messrs. S. Smith and J. Heisey, near Haystack Mountain, about sixty-five miles east of Green River, Wyoming.

The specimen consists of a skull, with a nearly complete series of dorso-lumbar vertebræ, sacrum, pelvis, etc.

The second specimen (number 1207), consisting of portions of the skull and vertebræ, was found by J. W. Chew and the author, in 1873, near Big Bone Buttes, Wyoming.

The geological horizon is in the Bridger beds of the Middle Eocene.

The only known specimens are in the Yale Museum.

Dinoceras distans, Marsh.

Woodcuts: 4, p. 13; 8, p. 15; 10, p. 16; 31, p. 29.

Marsh, Fifth Annual Report U. S. Geological Survey (figures from the present volume, viz :) fig. 41, p. 258; 45, p. 260; 66, p. 270, 1884.

The skull in the type specimen of this species (number 1235) has nearly the same general shape as in the type of *Dinoceras mirabile*, but is somewhat more robust, though pertaining to a young animal, as shown by the generally open sutures. The nasals taper in front, and bear a pair of low rounded oblique tubercles, much as in number 1036. They are terminated, as in that specimen, by flattened, nearly vertical, and deeply pitted, sutural surfaces, from which the prenasals have fallen away.

The maxillary elevations are stout and conical, and are connected across the median line of the skull by an elevated ridge. The naso-maxillary suture curves inward between the maxillary protuberances, and is strongly marked on their inner surfaces.

Behind the maxillary protuberances, the top of the skull is flattened, and presents two low oblique ridges, converging behind, along the lines of the fronto-nasal sutures. At the sides, the superior surface is separated from the lateral by a ridge, which rises nearly to the top of the parietal protuberances. These are well developed, triangular in section, and directed upward and outward, and are situated above the post-glenoid processes. The foramen magnum is below the upper margin of the occipital condyles.

In the type specimen, the post-glenoid process is robust. The zygomatic process of the squamosal is deeply excavated in front of the glenoid cavity, for the posterior end of the malar bone, which is peculiarly blunt, and rounded behind. The palato-maxillary foramen is rounded, and placed opposite the posterior half of the first premolar.

The cavity for the brain is exposed in this specimen, and shows a nasal septum just in front of the anterior constriction. The short olfactory lobes were bounded in front by thin cribriform plates.

The young specimen (number 1601) agrees with the type (number 1235) in the general shape of the skull, in the form of the maxillary protuberances and connecting ridge, in the shape and position of the parietal protuberances, and in the position of the palato-maxillary foramen. Also in the deep excavation for the end of the malar bone. The known differences may be attributed to age.

The type of this species (number 1235) was collected by Mr. S. Smith, in 1874, near Lone Tree, on Henry's Fork, Wyoming.

The second specimen (number 1601) was found by Mr. Smith in 1882, near Haystack Mountain, Wyoming.

The geological horizon of this species is in the Dinoceras beds.

The type specimen of this species is preserved in the Yale Museum.

Dinoceras laticeps, Marsh.

(Plates X–XIV, XLIII.)

Woodcuts: 14, p. 19; 22, p. 25; 27, p. 26; 33, p. 30; 47, p. 43; 50, p. 44; 57, 58, p. 54; and 112, p. 103; 136, p. 138; 139, 140, p. 149.

Marsh, American Journal of Science and Arts (3), Vol. VI, p. 301, October, 1873; Vol. XI, p. 164, Plate V, February, 1876.
Osborn and Speir (Uintatherium laticeps).—American Journal of Science and Arts (3), Vol. XVII, pp. 304, 305, 307, April, 1879.

The type of this species possesses the main characters of *Dinoceras*, but, in the premaxillaries, palate, and brain-cavity, shows an approach to *Tinoceras*, especially *Tinoceras pugnax*. It apparently represents a sub-genus of *Dinoceras*, which may be called *Paroceras*.

The type specimen of this species (number 1039) was obtained in August, 1873, by Mr. L. Lamotte and the author, near Spanish John's Meadow, Wyoming.

This specimen consists of a skull, lower jaws, vertebræ, etc.

A second specimen, a female (number 1202), consisting of a skull and other parts of the skeleton, was found by the author, in August, 1873, near Henry's Fork, about thirty miles west of Green River, Wyoming. Additional specimens are numbers 1197, 1222, 1239, and 1264.

The geological horizon of this species is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are in Yale College Museum.

Dinoceras lucare, Marsh.

(Plate IX.)

Woodcuts: 46, p. 43; 103, 104, 105, p. 84; 110, p. 98; 172, 173, below.

FIG. 172.

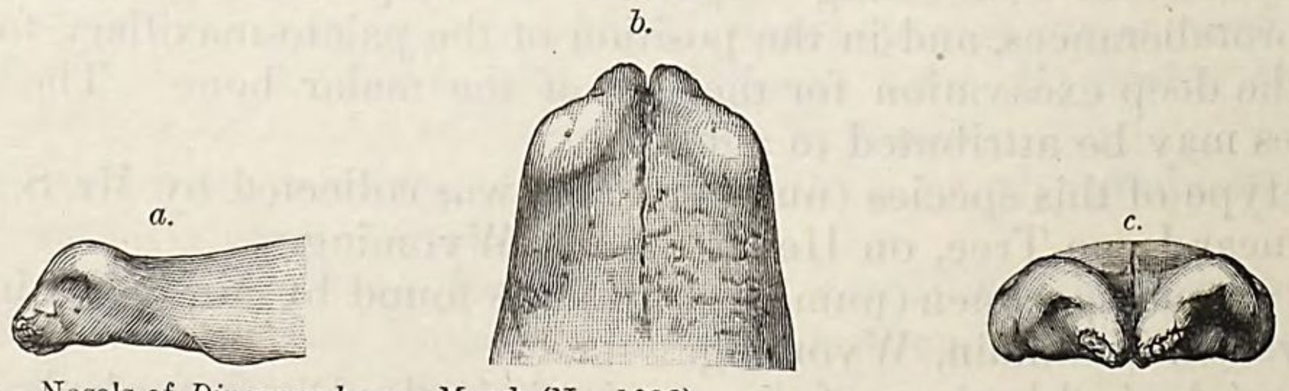

FIGURE 172.—Nasals of *Dinoceras lucare*, Marsh (No. 1038).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size.

FIG. 173.

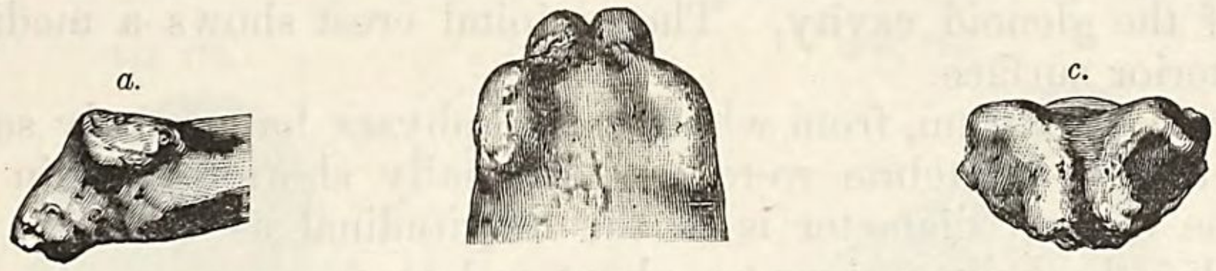

FIGURE 173.—Nasals of *Dinoceras lucare*, Marsh (No. 1568).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size.

Marsh, American Journal of Science and Arts (3), Vol. V, p. 408, May, 1873.
Fifth Annual Report of the U. S. Geol. Survey, (figures from the present volume, viz:) fig. 83, p. 279; 124, 125, p. 296, 1884.
Leidy (Uintatherium).—Extinct Vertebrate Fauna, p. 334, 1873.

The type specimen of this species (number 1038) was obtained by Messrs. B. D Smith, J. W. Chew and the author, two miles east of Big Bone Buttes, Wyoming, September, 1872, and September, 1873.

This specimen consists of a skull, and numerous parts of the skeleton.

The geological horizon of this species is in the Bridger Beds of the Middle Eocene.

The remains of this specimen are preserved in Yale College Museum.

Dinoceras reflexum, Marsh, *n. s.*

Woodcut : 174, below.

FIG. 174.

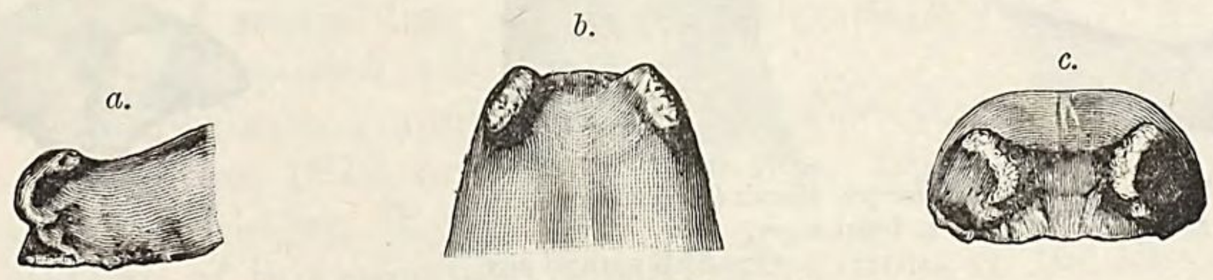

FIGURE 174.—Nasals of *Dinoceras reflexum*, Marsh (No. 1229).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size.

In the type of this species (number 1229), the nasal protuberances are small, but prominent, and are directed strongly upward. The nasal bones are completely united to the end, but are there terminated by sutural surfaces, looking nearly downward, and indicating the position of the prenasal bones, which have fallen away. The suture between the nasal and the premaxillary is evident, behind and below the nasal protuberance.

The post-glenoid process is large and strong, and the zygomatic process of the squamosal presents a pit for the end of the malar bone just in front of the glenoid cavity. The occipital crest shows a median keel on its posterior surface.

A cervical centrum, from which the epiphyses have nearly separated, shows that these vertebræ were proportionally shorter than in number 1255. The vertical diameter is to the longitudinal as 1 to .55, while in number 1255 these dimensions are about as 1 to .6.

A pyramidal bone, accompanying these specimens, has the face for the fifth metacarpal confluent with that for the unciform, as in figures 117 and 118, page 108, instead of distinct, as on Plate XXXII, figure 6.

The specimen (number 1229) upon which the species is based was collected in October, 1873, by Messrs. J. W. Chew and S. Smith, at Tule Springs, Wyoming.

This specimen consists of fragments of the skull, limb bones, etc.

The geological horizon of this species is in the Bridger beds of the Middle Eocene.

The known remains are preserved in Yale College Museum.

TINOCERAS,[1] Marsh, 1872.

Tinoceras anceps, Marsh.

Woodcuts: 97, 98, p. 80; 175, 176, 177, below.

FIG. 175.

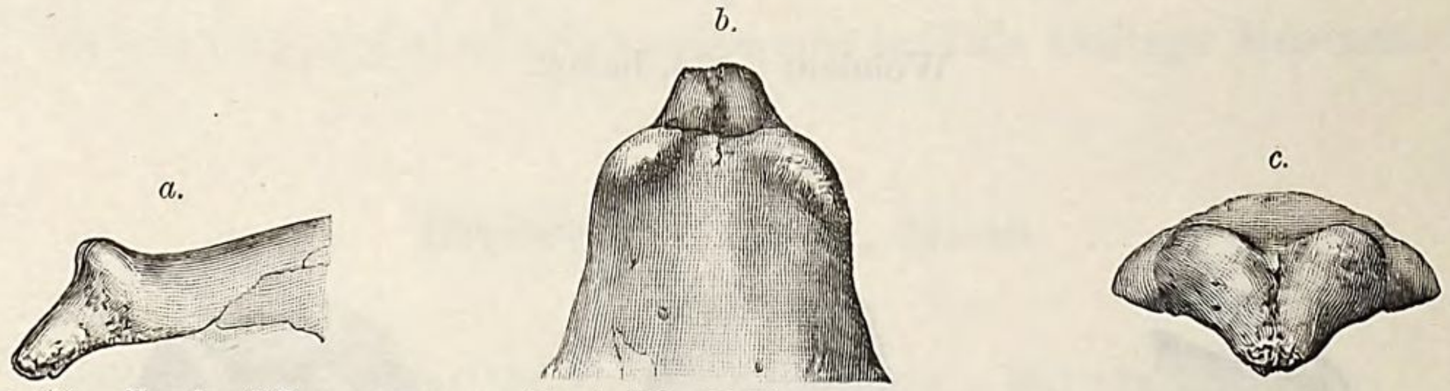

FIGURE 175.—Nasals of *Tinoceras anceps*, Marsh (No. 1266).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size.

Marsh (Titanotherium ? anceps.)—American Journal of Science and Arts (3), Vol. II, p. 35, July, 1871.

(Mastodon anceps.)—American Journal of Science and Arts, Vol. IV, p. 123, note, August, 1872.

(Tinoceras anceps.)—American Journal of Science and Arts (3), Vol. IV p. 322, October, 1872. (The name *Tinoceras* was published in advance, August 19, 1872, see Bibliography.) Vol. IV, p. 323, October, 1872; Vol. IV, p. 504, December, 1872; Vol. V, pp. 117, 122, February, 1873; Vol. V, p. 296, April, 1873.

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[1] *Τίνω*, to tear, and *κέρας*, horn.

FIG. 177.

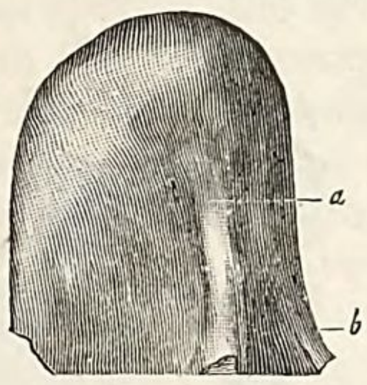


FIG. 176.

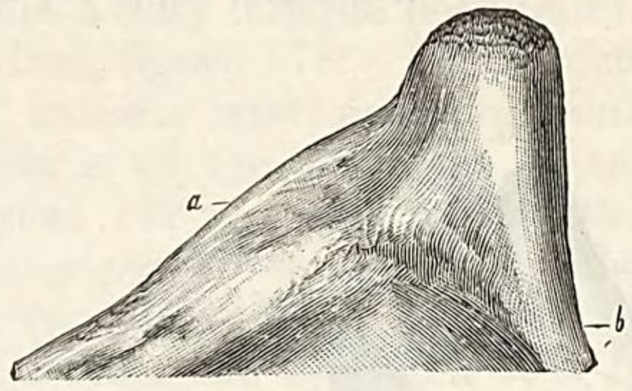


FIGURE 176.—Left parietal protuberance of *Tinoceras anceps*, Marsh (No. 1030); side view.
FIGURE 177.—The same specimen; front view.
a. anterior crest; *b*. posterior crest.
Both figures are one-half natural size.

Marsh, American Naturalist, Vol. VII, p. 52, January, 1873; pp. 147, 152, March, 1873; p. 218, April, 1873; Vol. VII, Appendix, p. viii, June, 1873.
Proceedings of the American Philosophical Society, Vol. XII, p. 578, for 1872, 1873; Vol. XIII, p. 256, 1873.
Cope (Uintatherium anceps.)—Proceedings of the American Philosophical Society, Vol. XIII, p. 61, 1873.

The type specimen of this species was of small size, and evidently a female. The occiput is elevated, and has a median vertical ridge. The lateral crests extend from the front nearly to the summit of the parietal protuberances. The latter are connected by a strong ridge passing directly over the brain-cavity. The post-glenoid processes are triangular in horizontal section, with the apex outward.

A second specimen (number 1266) has the nasal protuberances of moderate size, and resembling those of *Tinoceras grande*. The prenasal bones are firmly co-ossified with the nasals.

The type specimen (number 1030) was discovered by Lieut. W. N. Wann, in September, 1870, on the Divide near Sage Creek, fifteen miles southeast of Fort Bridger, Wyoming.

The remains of this specimen consist of portions of the skull, cervical and dorsal vertebræ, and a tibia.

The second specimen (number 1266) was found by Messrs. J. W. Chew and L. Lamotte, in August, 1874, in Wyoming. It consists of portions of a skull, and a few other bones.

The geological horizon of this species is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are preserved in the Yale College Museum.

Tinoceras affine, Marsh, *n. s.*

Woodcuts: 16, p. 19; and 178, 179, below.

FIG. 178.

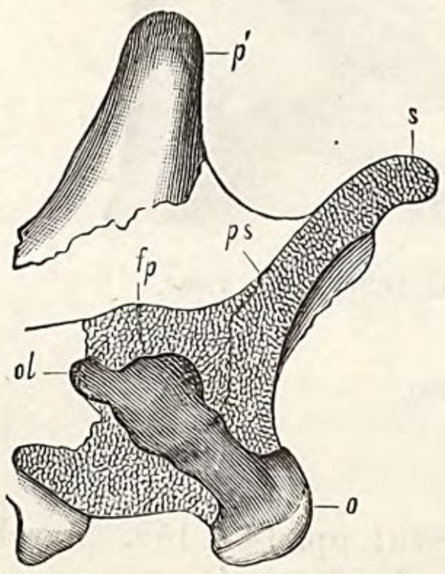


FIG. 179.

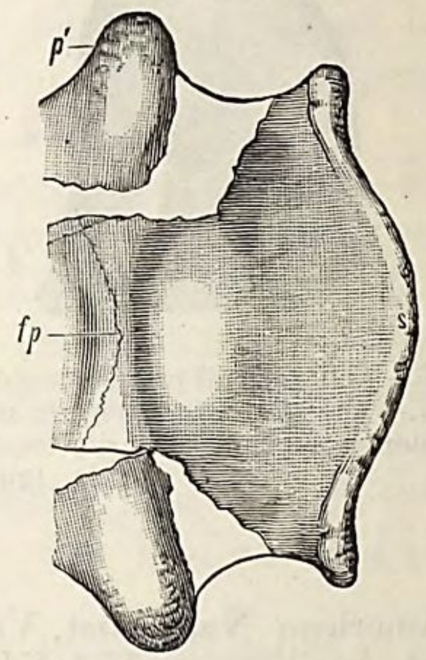


FIGURE 178.—Vertical section through cranium of *Tinoceras affine*, Marsh (No. 1574).
FIGURE 179.—The same specimen; seen from above.

ps. parietal supra-occipital suture; *fp.* fronto-parietal suture; *o.* occipital condyle: *ol.* olfactory lobes of brain; *p'.* parietal protuberance; *s.* supra-occipital crest.

Both figures are one-eighth natural size.

In the type of this species (number 1574), the snout tapers, and the nasals are divided by a distinct median suture.

The nasals are well preserved, and much resemble those of number 1041, but are more perfect. As in number 1040, they are thoroughly co-ossified to the extreme point, which is directed obliquely downward. The nasal protuberances are placed obliquely, and are flattened on their outer anterior surface. They are directed outward and upward, and are elongate-oval in section, the long axes of the ovals making about a right angle with each other in front of the snout.

The maxillary protuberances are elevated, but of moderate size, and are connected across by a rounded ridge. The parietal protuberances present a moderately sharp ridge on their anterior faces, and are somewhat club-shaped. They were connected across the top of the skull by a rounded ridge.

The foramen magnum is transversely oval, and rises nearly to the same height as the occipital condyles. The post-glenoid process is robust.

The occipital crest bears a rather prominent, but rounded, ridge along the median line, above the foramen magnum.

The palate is moderately excavated in front, and the palato-maxillary foramen is opposite the first premolar. The diastema is thick, strong, short, and straight. The vomer is preserved in this specimen, firmly lodged in a groove in the upper surface of the maxillaries

The face on the zygomatic process of the squamosal for the malar is broad and flat, and does not end in a pit, for the posterior end of the malar bone.

In this species, the brain occupies a very oblique position in the skull, as shown in the accompanying woodcut, figure 178. In the section of the cranium, the sutures defining the anterior and posterior limits of the parietal bones along the median plane of the skull are clearly shown. The fronto-parietal suture also (figure 178) is apparent on the superior surface of the skull, above the anterior part of the cavity for the cerebral hemispheres, as in *Dinoceras distans* (number 1601). The suture limiting the parietal posteriorly is evident in the same section. It is behind the cerebral cavity, but cannot be traced with certainty on the upper surface of the skull.

The type specimen (number 1574) of this species was obtained by Mr. J. Heisey, eight miles south of Dug Springs, Wyoming, in 1876.

This specimen consists of a skull, etc.

The geological horizon is in the Dinoceras beds of the Middle Eocene.

The only known remains of this specimen are in Yale College Museum.

Tinoceras annectens, Marsh.

Woodcuts: 6, p. 13; 21, p. 21; 36, 37, p. 36.

Marsh, Fifth Annual Report U. S. Geological Survey, (figures from the present volume, viz:) fig. 43, p. 258; fig. 56, p. 264; fig. 73, 74, p. 274, 1884.

The skull in the type of this species (number 1043) agrees generally in size and form, as far as preserved, with that of *Tinoceras ingens*, (number 1041). The canine tusk runs somewhat forward in number 1043, and the premaxillaries appear less robust. The palato-maxillary foramen is near the front premolar, not well in front of it, as in *Tinoceras ingens*. The upper canine (page 21, figure 21) has, on its outer side, a large, somewhat heart-shaped, worn surface.

The lower jaw in this species is slender, and bears a well developed process running downward and forward, and terminating in an oblique, nearly straight margin. The coronoid process is pointed.

The first dorsal in this specimen is proportionally shorter than in *Tinoceras anceps*, with the lateral faces for its ribs more approximate. The length of the floor of the neural canal is to the length of the under surface of the centrum as 3 to 4, and a similar proportion in the adjoining vertebra indicates an upward curvature in the neck at this point.

The type of this species (number 1043) was found by Mr. J. Heisey, in May, 1874, near Haystack Mountain, Wyoming.

The remains consist of a skull, and other portions of the skeleton.

The geological horizon is in the Bridger beds of the Middle Eocene.

The only known specimen of this species is in the Yale College Museum.

Tinoceras cornutum, Cope, sp.

Woodcuts: 180, 181, below.

FIG. 180.

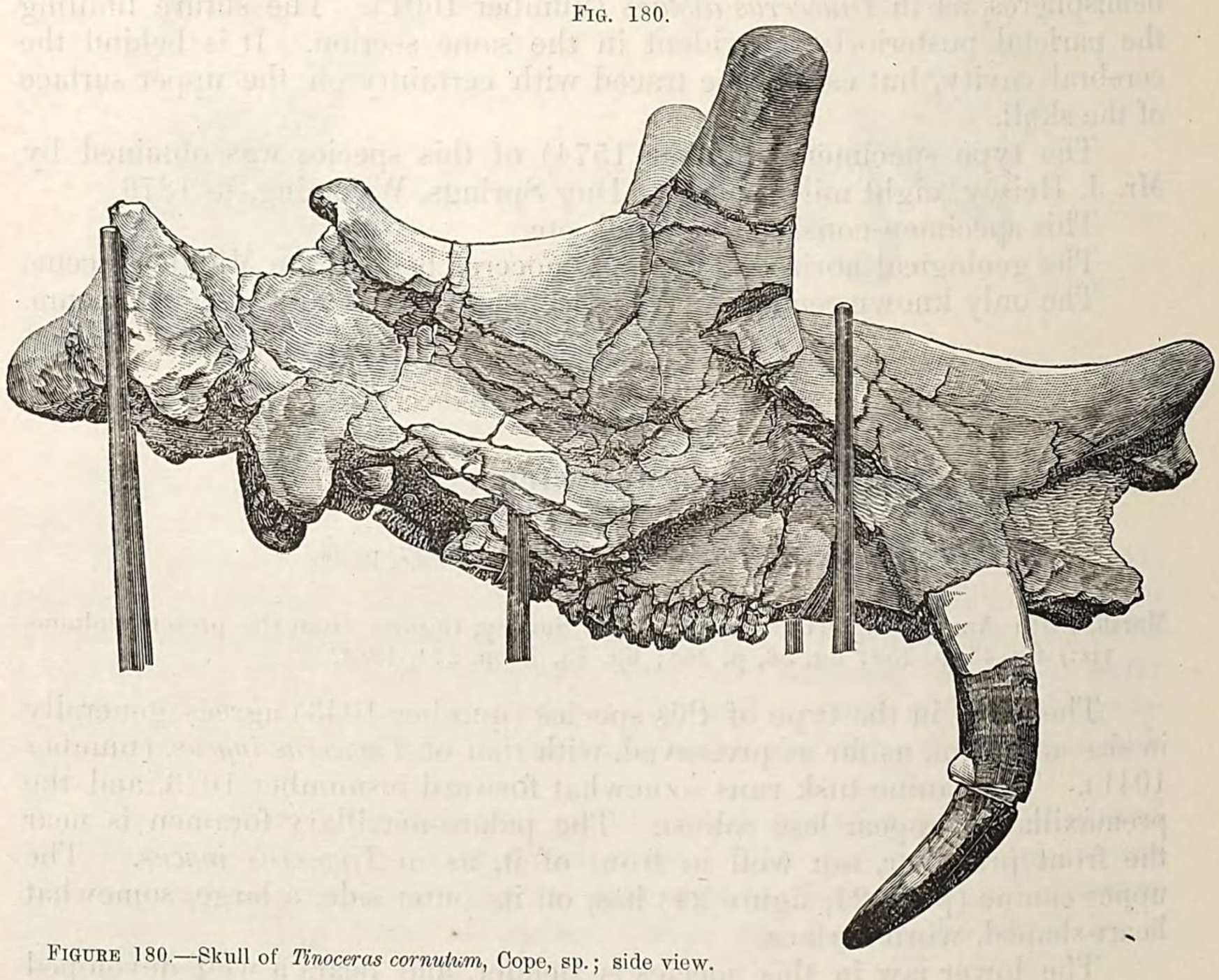


FIGURE 180.—Skull of *Tinoceras cornutum*, Cope, sp.; side view.

This figure and the following were photographed on wood from Prof. Cope's original photographs, for which the author is indebted to the late Prof. Louis Agassiz. These photographs, although both marked $\frac{1}{6}$, are not of the same size. The present figures are copies, both reduced in the same proportion. The white portion at the base of the tusk is plaster, and the tooth is thus made to appear longer than in nature. The tusk itself belongs on the other side.

FIG. 181.

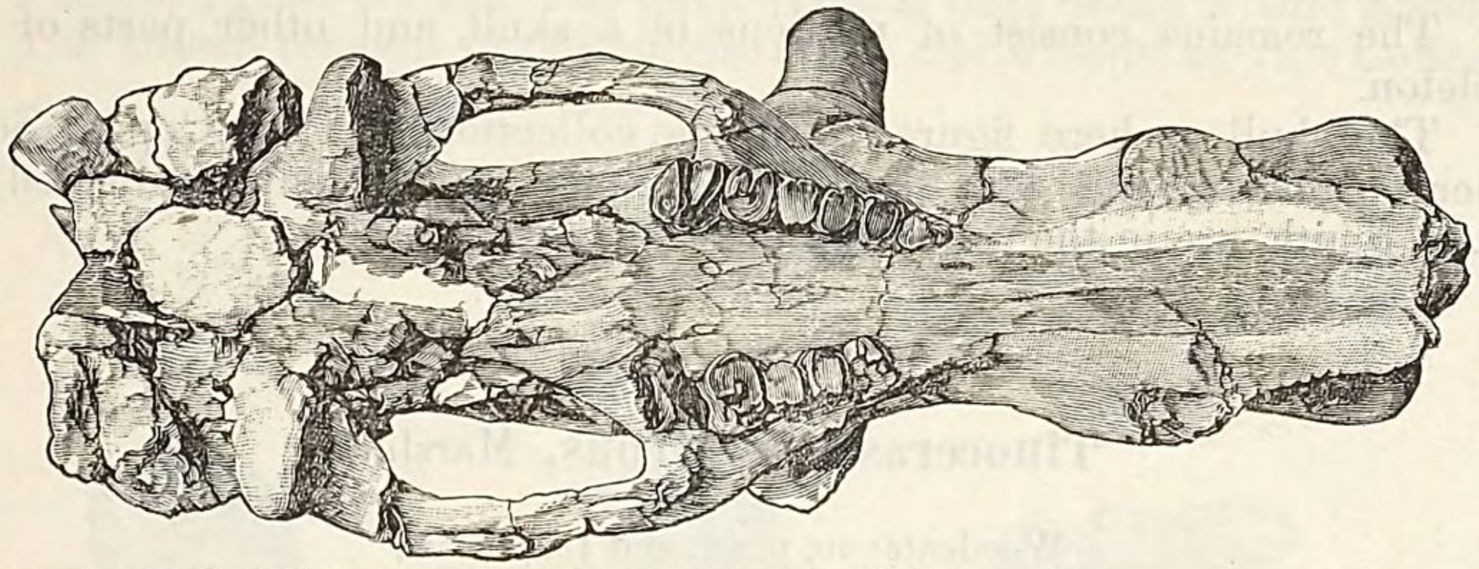


FIGURE 181.—Skull of *Tinoceras cornutum*, Cope, sp.; seen from below.
Both figures are about one-eighth natural size.

Cope (Lefalophodon dicornutus).—Proceedings of the American Philosophical Society, Vol. XII, p. 515, for 1872. 1873.
Telegram from Black Buttes, Wyoming, October, 1872.
The same, Palæontological Bulletin, No. 5, Second Edition, 1873.
(Eobasileus cornutus.)—Notices of new Vertebrates from the upper waters of Bitter Creek, Wyoming, November, 1872.
Proceedings of the American Philosophical Society, Vol. XII, p. 485, for 1872, 1873.
The same, Palæontological Bulletin, No. 6, 1873.
American Naturalist, Vol. VI, p. 774, December, 1872; Vol. VII, p. 49, January, 1873; Vol. VII, pp. 158, 159, March, 1873.
Hayden's Report of the U. S. Geological Survey for 1873, p. 457, 1874.
(Loxolophodon cornutus.)—Proceedings of the American Philosophical Society, Vol. XII, pp. 488 and 580, for 1872, 1873; Vol. XIII, pp. 45–54, Plates I–IV, 1873.
American Naturalist, Vol. VII, p. 291, Plates IV, V, May, 1873; Vol. XIII, p. 334, May, 1879; Vol. XVI, Plate XVII (Restoration), December, 1882.
Hayden's Report of the U. S. Geological Survey for 1872, pp. 568–575, Plates 1–4, 1873.
Osborn, Memoir upon Loxolophodon and Uintatherium, pp. 18, 20, 21, 27, 37, 44, 1881.
Osborn and Speir, American Journal of Science (3), Vol. XVII, pp. 304–309, Plate I, April, 1879.
Leidy (Uintatherium cornutum).—Extinct Vertebrate Fauna, pp. 333, 334, 1873.
Marsh (Tinoceras cornutus).—American Journal of Science and Arts (3), Vol. V, pp. 296, 311, April, 1873.
(Tinoceras grande.)—American Journal of Science and Arts (3), Vol. V, p. 294, April, 1873.
American Naturalist, Vol. VII, p. 217, April, 1873; Vol. VII, p. 306, May, 1873; Vol. VII, Appendix, p. ii, June, 1873.
Proceedings of the American Philosophical Society, Vol. XIII, p. 255, 1873.

In the restoration of this species as given by Professor Cope in the American Naturalist, Vol. XVI, Plate XVII, the skull used is the male one here figured, with the tusk much elongated. The lower jaw below it belonged to a female, possibly of another genus. The scapula, as restored, is unlike that of any of the known Dinocerata, and the entire fore limb is in a position anatomically impossible.

The type of the present species was obtained by Prof. E. D. Cope and Mr. S. Smith, in August, 1872, at Haystack Mountain, Wyoming.

The remains consist of portions of a skull, and other parts of the skeleton.

The skull as here figured is in the collection of Prof. Cope. Some other portions of the same skull and skeleton, subsequently collected by Mr. S. Smith, are in the Yale Museum

Tinoceras crassifrons, Marsh.

Woodcuts: 30, p. 29; and 182, below.

FIG. 182.

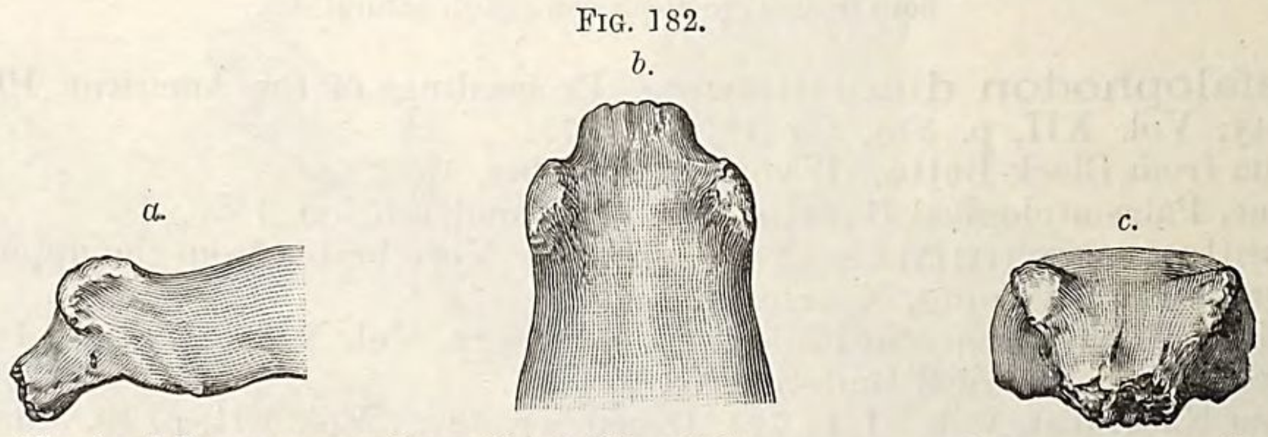


FIGURE 182.—Nasals of *Tinoceras crassifrons*, Marsh (No. 1236).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size.

Marsh, Fifth Annual Report of the U. S. Geological Survey, (figure from the present volume, viz:) fig. 65, p. 270, 1884.

The nasals in the type of this species (number 1236) bear small, but prominent, tubercles, directed well upward and outward, and placed well back. In front of these elevations, the nasals are produced, and terminated by oblique, but nearly vertical, sutural surfaces for the pre-nasals.

The maxillary protuberances are high and prominent, and connected by a transverse, elevated, and sharp, ridge.

The upper surface of the skull is flattened, and well separated from the lateral surfaces by a ridge, gradually rising into the parietal protuberances. These protuberances are connected by a distinct transverse ridge, and are elevated, and, in section, somewhat triangular.

The olfactory lobes of the brain were short, and the olfactory chambers were not divided by a transverse bony septum.

The type specimen (number 1236) of this species was collected by Messrs. L. Lamotte and J. W. Chew, at Cattail Springs, about twenty-five miles southeast from Fort Bridger, and about eighteen miles west of Green River, Wyoming, July, 1874.

The remains of this specimen consist of various portions of a skull.
The geological horizon is in the Dinoceras beds of the Middle Eocene.
The known remains of this species are in the Museum at Yale College.

Tinoceras galeatum, Cope, sp.

Woodcuts: 183 and 184, below.

FIG. 184.

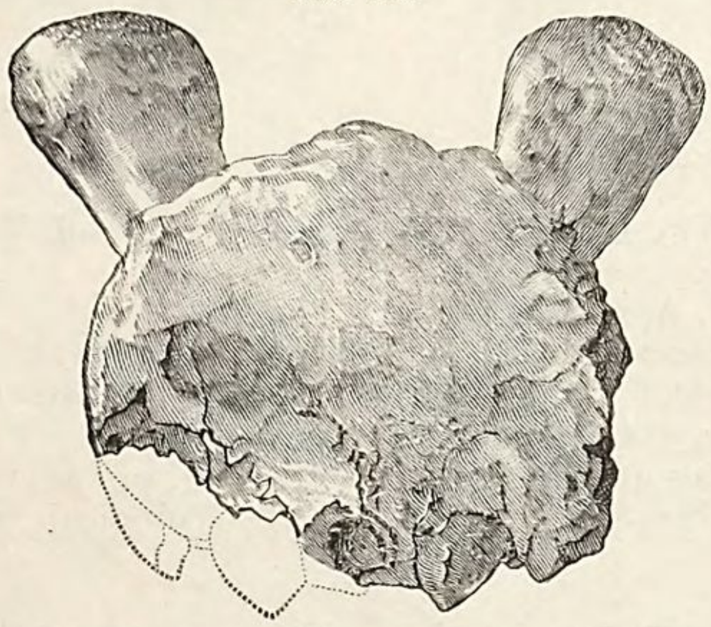
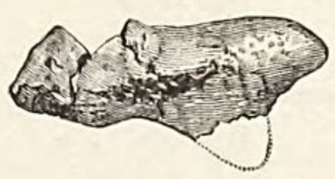


FIG. 183.

a.



b.

FIGURE 183.—Nasals of *Tinoceras galeatum* (after Cope); *a.* side view; *b.* top view.
FIGURE 184.—Posterior surface of same skull.
Both figures are one-eighth natural size.

These figures were photographed on wood from the lithographic plate, cited below.

Cope (Eobasileus galeatus).—Hayden's Report U. S. Geological Survey for 1873, pp. 456, 457, Plate I, 1874.
Proceedings of the American Philosophical Society, Vol. XIV, p. 17, 1874.
(Loxolophodon galeatus.)—Hayden's Report U. S. Geological Survey for 1873, Plate I, 1874.
Osborn, Memoir upon Loxolophodon and Uintatherium, pp. 21, 22, 1881.

The specimen upon which this species was based was obtained by Prof. E. D. Cope, in 1873, in the Bad Lands of South Bitter Creek, Wyoming.

The remains consist of various portions of the skull.
The geological horizon is in the Bridger beds of the Middle Eocene.
The known remains are preserved in Prof. Cope's collection.

Tinoceras grande, Marsh.

Woodcuts: 20, p. 21; 49, p. 44; 84, 85, 86, p. 71; 87, 88, p. 75; and 185, below.

FIG. 185.

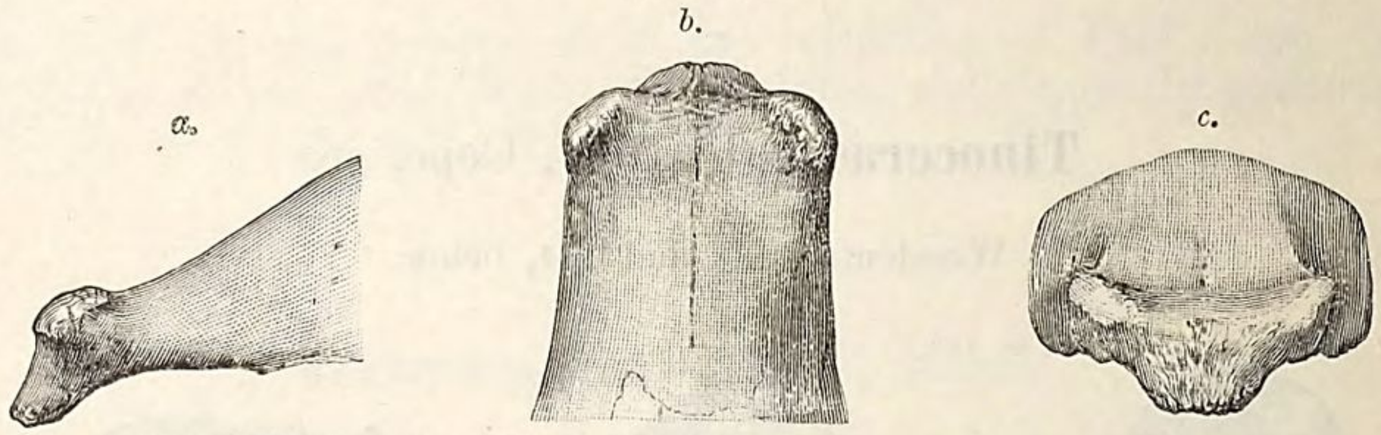


FIGURE 185.—Nasals of *Tinoceras grande*, Marsh (No. 1040).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size.

Marsh, American Journal of Science, Vol. IV, p. 323, October, 1872; Vol. V, pp. 295, 311, April, 1873.
American Naturalist, Vol. VII, p. 217, April, 1873.
Proceedings of the American Philosophical Society, Vol. XIII, p. 256, 1873.
Fifth Annual Report of the U. S. Geological Survey, (figures from the present volume, viz:) fig. 55, p. 264; 86, p. 280; 113, 114, 115, 118, 119, p. 295, 1884.
Cope, Proceedings of the American Philosophical Society, Vol. XIII, pp. 54, 61, 1873. (Loxolophodon cornutus).—Hayden's Report U. S. Geological Survey for 1872, p. 575, 1873.

The type specimen (number 1040) of this species was collected at Barrel Springs, about seventy-five miles east of Green River, Wyoming, in 1872, by Messrs. J. W. Chew and B. D. Smith.

The remains of this specimen consist of portions of the skull, and cervical vertebræ.

The geological horizon of this species is in the Middle Eocene, in the Dinoceras beds.

The known remains are preserved in Yale College Museum.

Tinoceras hians, Marsh.

Woodcuts: 32, p. 30; and 186, below.

FIG. 186.

FIGURE 186.—Nasals of *Tinoceras hians*, Marsh (No. 1499).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size

Marsh, Fifth Annual Report of the U. S. Geological Survey (figure from the present volume), fig. 67, p. 271, 1884.

The snout in the type of this species (number 1499) tapers in front, where the nasals are divided by persistent sutures, and bear low rounded tubercles. The maxillary protuberances are connected by a low rounded ridge. The upper surface of the skull behind these protuberances is flattened, and, in the region of the fronto-nasal sutures, elevated. It is separated from the lateral surface by a ridge, rising gradually upon the parietal protuberances, which are connected by a transverse elevation across the skull, above the brain case.

The olfactory chambers were divided transversely by a bony septum as shown in figure 32, page 30.

The palato-maxillary foramen extends back nearly to the middle of the second premolar. The premaxillaries are proportionally larger than in *Dinoceras laticeps* (number 1039), and straighter than in *Dinoceras mirabile* (number 1036). They present pits, as if for rudimentary teeth, as in number 1039.

This species is based upon a specimen (number 1499) collected in June, 1874, by Mr. L. Lamotte, at Cattail Springs, Wyoming.

The remains of this specimen consist of a skull, vertebræ, etc.

The geological horizon is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are preserved in the Museum of Yale College.

Tinoceras ingens, Marsh.

(Plates XV–XVIII, LVI.)

Woodcuts: 9, p. 16; 17, p. 19; 23, p. 25; 28, p. 27; 51, p. 45; 59, p. 55; 115, 116, p. 105; 117, p. 108; 124, p. 119; 134, 135, p. 136; 141, 142, p. 149.

Marsh, Fifth Annual Report of the U. S. Geological Survey, (figures from the present volume, viz:) figs. 46, p. 261; 52, p. 263; 58, p. 267; 63, p. 269; 88, p. 281; 96, 97, p. 286; 126, 127, p. 297; 137, p. 302, 1884.

The type specimen (number 1041) of this species was collected by Mr. S. Smith, near Haystack Mountain, Wyoming, in May, 1875.

This specimen consists of a skull, in excellent preservation.

The geological horizon of this species is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are in Yale College Museum.

Tinoceras jugum, Marsh.

Woodcut: 187, below.

FIG. 187.

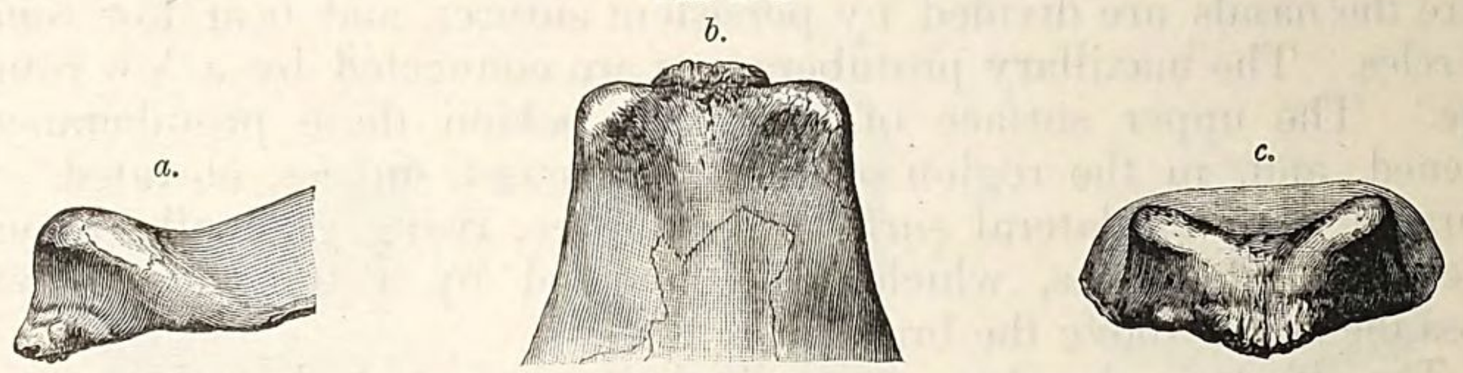


FIGURE 187.—Nasals of *Tinoceras jugum*, Marsh (No. 1500).
a. side view; *b.* top view; *c.* front view.

One-fifth natural size.

In this species, the snout tapers forward, and bears a pair of small flattened tubercles, directed well outward and forward. The nasals are thoroughly coössified, and project in front beyond the tubercles. The maxillary protuberances are high, and strongly divergent. They are connected by a high sharp ridge, which suggested the specific name.

The type of this species (number 1500) was found by Mr. L. Lamotte, in September, 1874, in Wyoming.

The specimen consists of portions of the skull, and fore limbs.

The geological horizon is in the Bridger beds of the Middle Eocene.

The only remains known are in the Yale Museum.

Tinoceras lacustre, Marsh.

Woodcut: 188, below.

FIG. 188.

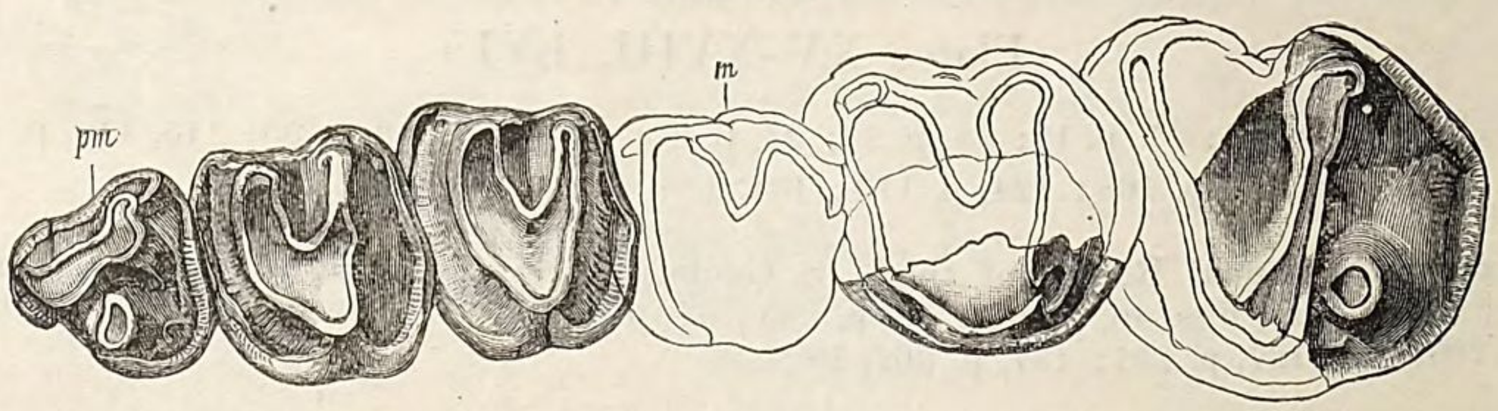


FIGURE 188.—Upper molars of *Tinoceras lacustre*, Marsh (No. 1037); seen from below.
m. first true molar; *pm.* first premolar.

Three-fourths natural size.

Marsh (Dinoceras lacustris).—American Journal of Science and Arts (3), Vol. IV, p. 344, October, 1872.
Proceedings of the American Philosophical Society, Vol. XIII, p. 256, 1873.

Cope (Uintatherium lacustre).—Hayden's Report U. S. Geological Survey for 1872, pp. 581, 584, 1873.
Proceedings of the American Philosophical Society, Vol. XIII, pp. 61, 66, 1873.

The type specimen (number 1037) of this species was discovered by Messrs. J. W. Chew and B. D. Smith, near Bitter Creek, Wyoming, in 1872.

This specimen consists of upper premolars, molars, and a radius.

The geological horizon is in the Bridger beds of the Middle Eocene.

The known remains of this species are preserved in the Museum of Yale College.

Tinoceras latum, Marsh, *n. s.*

Woodcuts: 189 and 190, below.

FIG. 189.

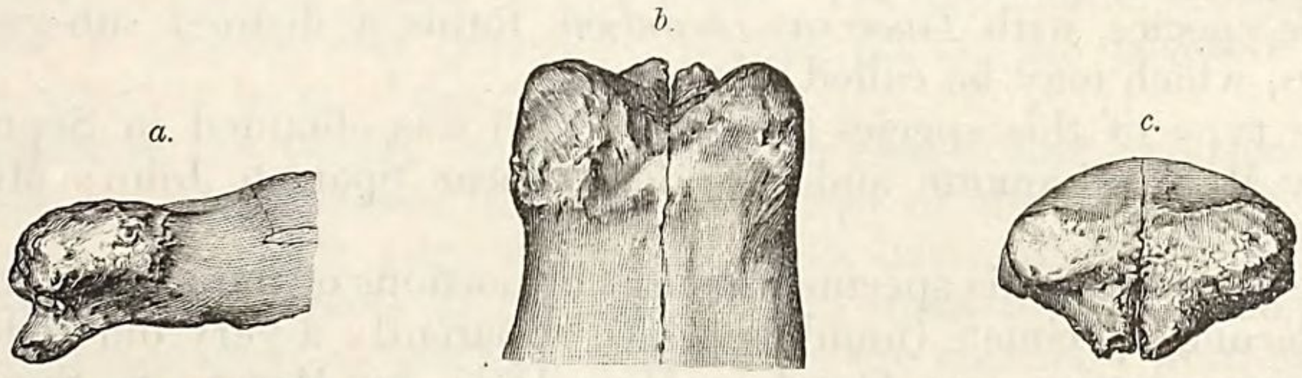


FIGURE 189.—Nasals of *Tinoceras latum*, Marsh (No. 1242).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size.

FIG. 190.

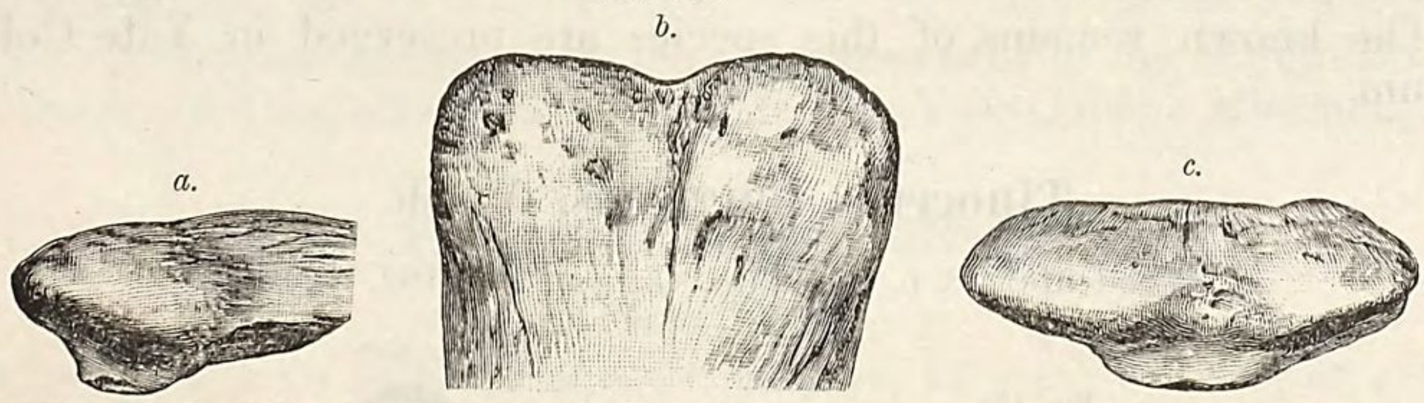


FIGURE 190.—Nasals of *Tinoceras latum*, Marsh (No. 1533).
a. side view; *b*. top view; *c*. front view.
One-fifth natural size.

The snout in the type specimen of this species tapers toward the end, but bears a pair of low rounded tubercles, directed nearly forward, and only slightly outward or upward. They are separated in front, along the median line, by an open suture between the nasal bones. These project forward beyond the protuberances, and terminate differently on the two sides, the left coming nearly to a point, while the right is a little shorter, and ends with an oblique sutural surface.

The skull presents a transverse ridge above the brain cavity, uniting the parietal protuberances.

The teeth preserved are but little worn, indicating a fully adult, but not old, animal.

Another specimen (number 1533) referred to this species is quite unlike any other in the collection in the form of the nasal bones so far as preserved, but, unfortunately, the specimen is considerably eroded. The snout, instead of tapering, expands forward, and presents on each side a broadly rounded, horizontal protuberance, scarcely rising at all above the general level of the nasal bones. They, also, project forward, far beyond the end of those bones, which were thoroughly consolidated, and directed somewhat downward, underneath the broad shelving protuberances.

The left maxillary protuberance preserved with this specimen is of large size, and flattened on its outer side.

This species, with *Tinoceras cornutum*, forms a distinct sub-genus of *Tinoceras*, which may be called *Platoceras*.

The type of this species (number 1242) was obtained in September, 1873, by Mr. L. Lamotte and the author, near Spanish John's Meadow, Wyoming.

The remains of this specimen consist of portions of the skull, and teeth.

A second specimen (number 1533), apparently a very old individual of the same species, was found in May, 1875, by Messrs. S. Smith and S. Pearson, at Haystack Mountain, Wyoming.

This specimen consists of portions of the skull. The extremity of the nasal bones is figured above.

The geological horizon of these specimens is in the Bridger beds.

The known remains of this species are preserved in Yale College Museum.

Tinoceras longiceps, Marsh.

Woodcuts: 38, p. 37; 48, p. 43; and 191, 192, below.

FIG. 191.

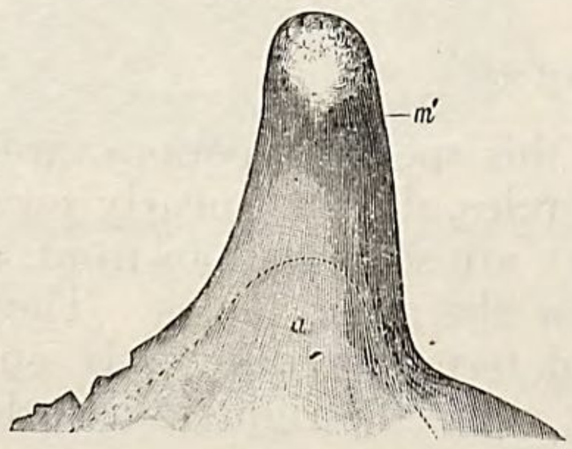


FIG. 192.

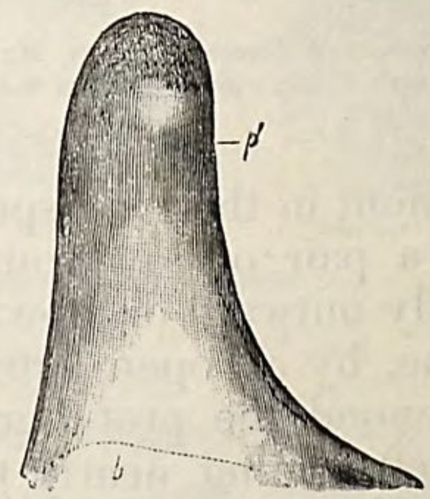


FIGURE 191.—Left maxillary protuberance of *Tinoceras longiceps*, Marsh (No. 1256, female); side view.
FIGURE 192.—Left parietal protuberance of same skull; side view.
The dotted line shows the outline of the cavities (*a* and *b*) at the base of each specimen.
Both figures are one-fourth natural size.

Marsh, Fifth Annual Report of the U. S. Geological Survey, (figures from the present volume, viz:) fig. 75, p. 275; 85, p. 279, 1884.

The skull in this species presents some striking peculiarities. The maxillary protuberances are placed well back, and are much above the socket for the weak and slender canine tooth (figure 48, page 43). They are directed upward and outward, and are greatly excavated within, and below, as shown in figure 191. The parietal protuberances are well developed, and are also excavated near the base. The anterior face, as far as preserved, shows no distinct indication of a sharp ridge rising on the frontal bone in front of the protuberance, as in *Dinoceras laticeps* (number 1202), but the parietal protuberances seem to have risen abruptly, as in *Tinoceras ingens.* They are flattened behind, but are scarcely expanded transversely, as in the males of this type. The zygomatic process of the squamosal is slender, and presents a decided pit for the posterior end of the malar, just in front of the glenoid cavity.

The lower jaw (figure 38, page 37) is elongated, and presents a small and weak pendent process, for the protection of the small and slender canine tusk (figure 48, page 43). This tusk has a nearly straight root, which suddenly contracts at the apex into a small orifice. The position of its socket is well in front of, and below, the maxillary horn-core, and unlike that of any other specimen in the Museum.

This species is based upon a specimen (number 1256, female) obtained by Mr. J. Heisey, at Red Dog Buttes, Wyoming, in June, 1876.

The remains of the type of this species consist of portions of the skull, lower jaws, etc.

The geological horizon is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are in Yale College Museum.

Tinoceras pugnax, Marsh.

(Plate XIX.)

Woodcuts: 5, p. 13; 18, p. 19; 19, p. 21; 24, p. 25; 29, p. 27 ; 52, p. 45; 67, p. 63.

Marsh, Fifth Annual Report of the U. S. Geological Survey, (figures from the present volume, viz:) fig. 42, p. 258; 53, p. 263; 54, p. 264; 59, p. 267; 64, p. 269; 89, p. 282; 104, p. 290, 1884.

The type specimen of this species (number 1044) was an individual of moderate size, and a male. The skull is short, and, seen from above strongly wedge-shaped. The nasal protuberances are small, high, and widely separated. The maxillary elevations are somewhat in front of the diastema. They are robust and recurved. The parietal protuberances are of moderate height, and transversely compressed at their summits. The premaxillaries are widely separated in front. The palato-maxillary foramen is opposite the second premolar. The posterior nares open upward through oval apertures, but little behind the bony palate. The

palate is much expanded between the canine tusks. The lower jaw has the alveoles of the incisors and canines nearly vertical. The flange for protection of the tusk is long, and rounded in front (Plate XIX, figure 1).

This specimen represents a distinct sub-genus of *Tinoceras*, which may be called *Laoceras*.

The type specimen (number 1044) of this species was found by Mr. S. Smith, May, 1875, at Haystack Mountain, Wyoming.

This specimen consists of a skull in good condition, and various other bones of the same individual.

The geological horizon of this specimen is in the Dinoceras beds.

The known remains of this species are preserved in the Museum of Yale College.

Tinoceras Speirianum, Osborn, sp.

Woodcut: 193, below.

FIG. 193.

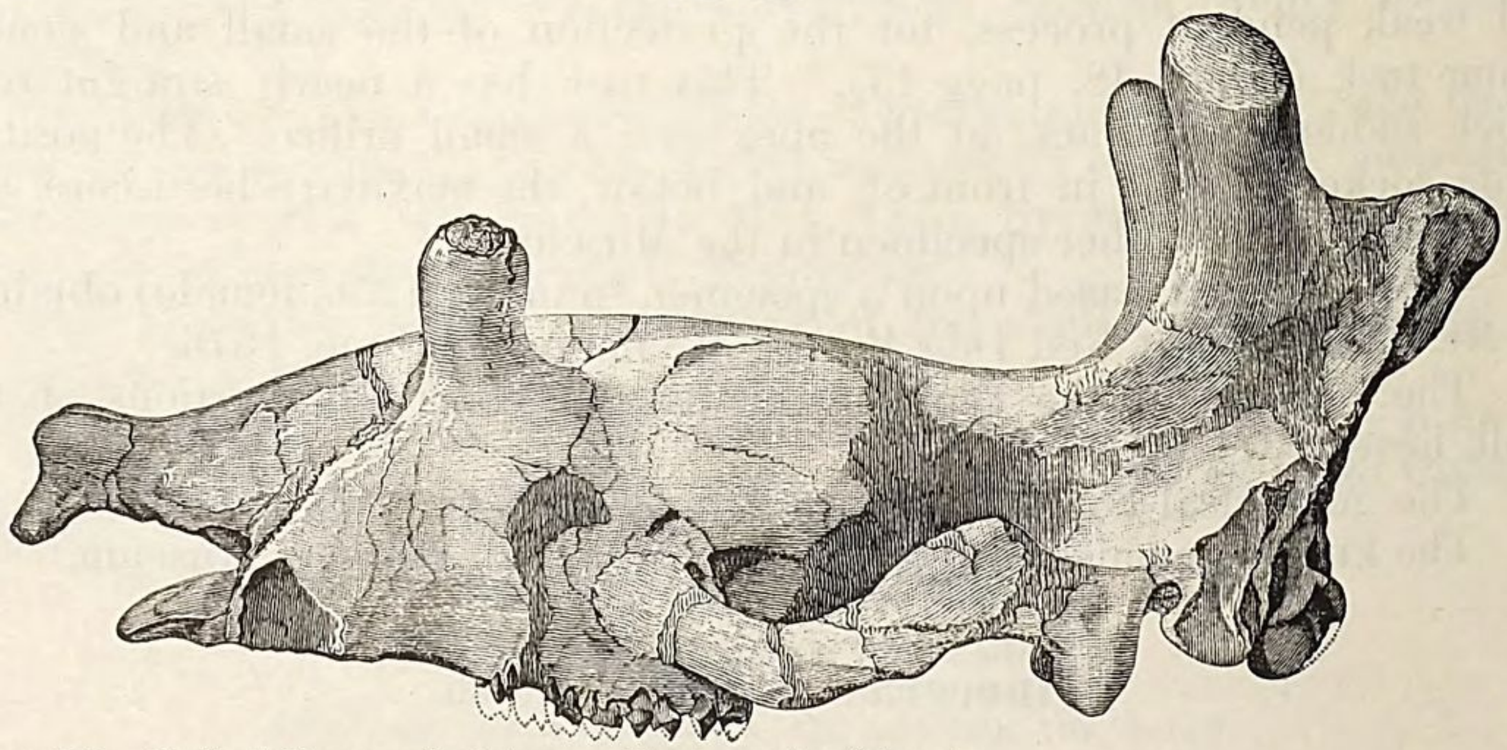


FIGURE 193.—Skull of *Tinoceras Speirianum*, side view (after Osborn).
One-eighth natural size.

Osborn (Loxolophodon Speirianum).—Memoir upon Loxolophodon and Uintatherium, pp. 18, 20, 21, 22, 24, 41, 44, Plate I, 1881.

This figure was photographed on wood from the lithographic plate cited above. The restorations of this skull do not allow some of its important features to be determined, but the generic characters are distinct.

In the restoration of this species, as given in the work cited above, the skull belonged to a male, and the lower jaw to a female. The bones of the fore limb, also, are in a position impossible in life.

The type specimen of this species was discovered by Mr. Francis Speir, in 1878, in Wyoming.

This specimen consists of the skull here figured.

The geological horizon is in the Bridger beds of the Middle Eocene.

The known remains of this species are in the Princeton Museum.

Tinoceras stenops, Marsh.

Woodcuts: 53, 54, p. 47; and 194, below.

FIG. 194.

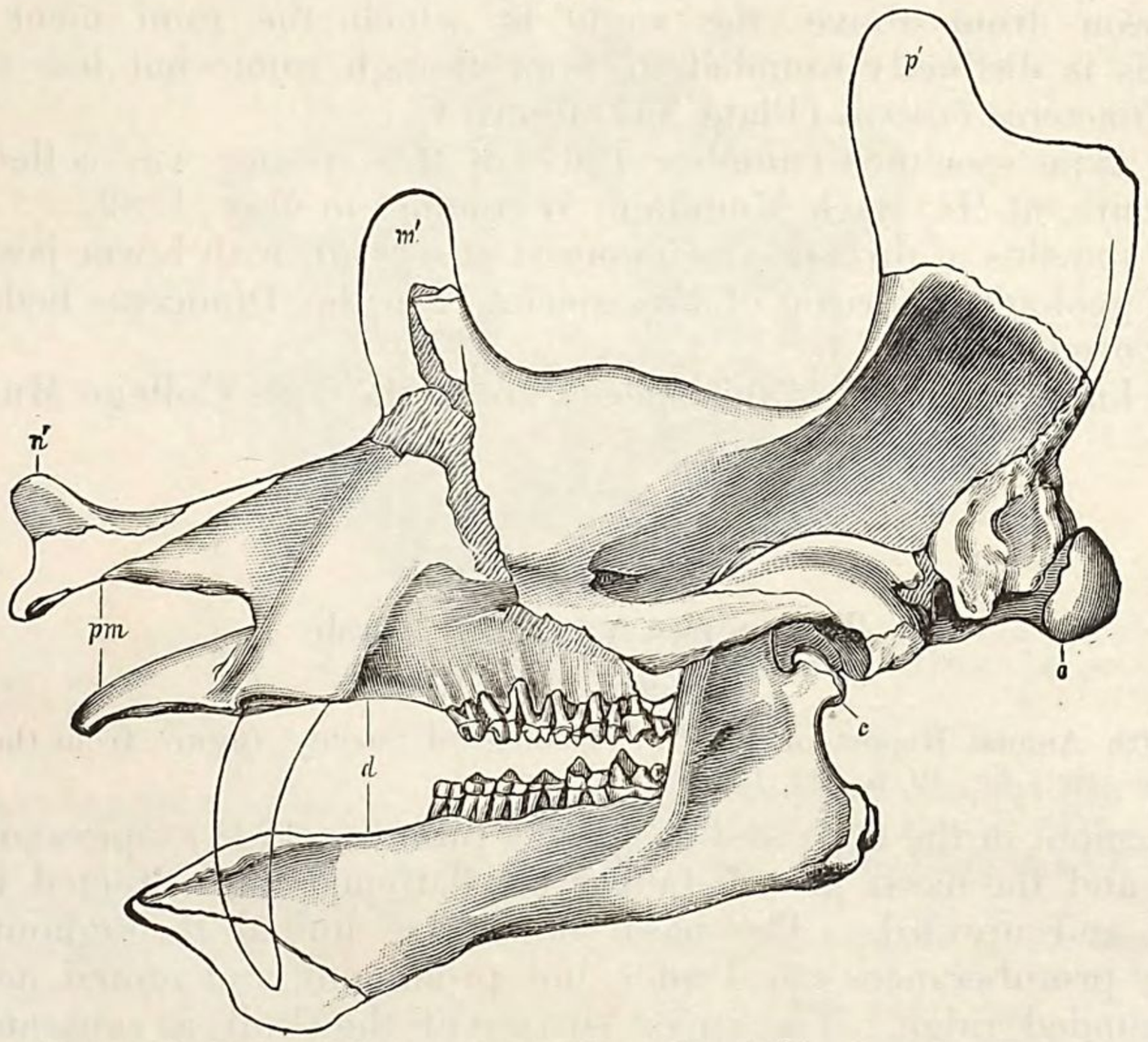


FIGURE 194.—Skull and lower jaw of *Tinoceras stenops*, Marsh (No. 1567).
c. condyle of lower jaw; *d*. diastema; *m'*. maxillary protuberance; *n'*. nasal protuberance; *o*. occipital condyle; *p'*. parietal protuberance; *pm*. premaxillary bone.
One-eighth natural size.

Marsh, Fifth Annual Report of the U. S. Geological Survey (figures from the present volume, viz:) figs. 90, 91, p. 283, 1884.

The skull in the type specimen of this species (number 1567) is narrow, and elongated. The nasal protuberances are flat below, and above. They appear to have been divergent, but of moderate size, though situated well forward. The maxillary protuberances were prominent, directed well forward, and connected by a transverse ridge. Behind them, on each side, stands a prominent protuberance over the orbit. Back of this, the superior and lateral surfaces of the skull pass into each other by regular curvature in front of the origin of the lateral ridges, which rise abruptly upon the parietal protuberances. These elevations are imperfectly preserved, but are flattened in front, and situated behind the post-glenoid processes.

The palate is excavated in the region of the diastema, and the palato-maxillary foramen is just in front of the first premolar, but not so far in front as in *Tinoceras ingens* (number 1041).

The lower jaw is slender, and expands rapidly in the region of the symphysis for the formation of the flanges protecting the canine tusks. When seen from above, the angle at which the rami meet at the symphysis is distinctly rounded in front, though somewhat less strongly than in *Dinoceras laticeps* (Plate XII, figure 1).

The type specimen (number 1567) of this species was collected by Mr. S. Smith, at Haystack Mountain, Wyoming, in May, 1882.

The remains of this specimen consist of a skull, with lower jaw, etc.

The geological horizon of this species is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are in the Yale College Museum.

Tinoceras vagans, Marsh.

Woodcut: 12, p. 17.

Marsh, Fifth Annual Report of the U. S. Geological Survey, (figure from the present volume, viz:) fig. 49, p. 262, 1884.

The snout in the type of this species (number 1241) tapers somewhat in front, and the nasal protuberances are flattened and directed forward, outward, and upward. The nasal bones are united throughout. The maxillary protuberances are slender, but prominent, and united across by a low rounded ridge. The upper surface of the skull is separated from the lateral surface, above and behind the orbits, by a ridge, which rises upon the parietal protuberances. These are prominent, and are flattened antero-posteriorly. They were connected across the top of the skull by a low transverse elevation.

The type specimen (number 1241) of this species was discovered by Mr. S. Pearson, at Red Dog Buttes, Wyoming, in July, 1875.

This specimen consists of portions of the skull, etc.

The geological horizon is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are preserved in the Yale Museum.

UINTATHERIUM,[1] Leidy, 1872.

Uintatherium robustum, Leidy.

Woodcuts: 61, 62, p. 57; and 195, below.

FIG. 195.

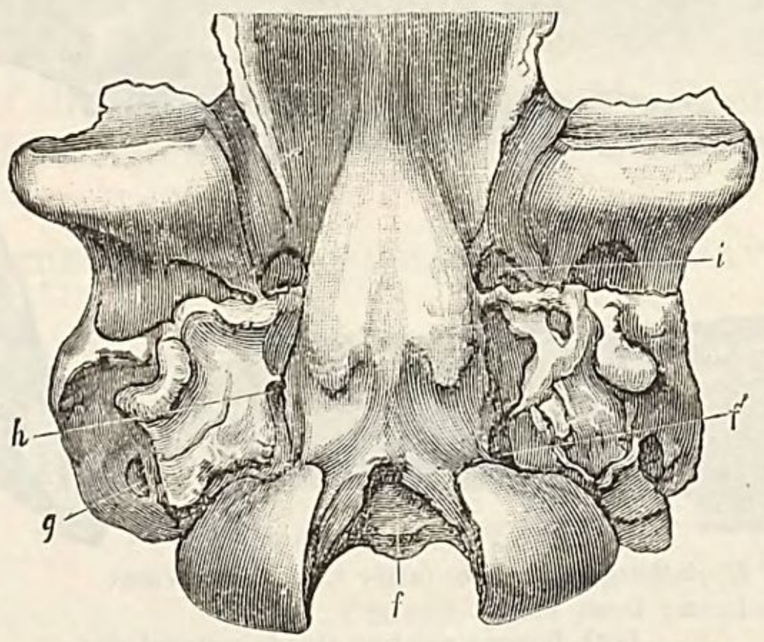


FIGURE 195.—Skull of *Uintatherium robustum*, Leidy (type specimen); bottom view of back part of skull. *f*. foramen magnum; *f'*. occipital foramen; *g*. stylo-mastoid foramen; *h*. foramen lacerum; *i*. vascular foramen in basisphenoid.

One-fourth natural size.

Leidy, Proceedings of the Philadelphia Academy of Natural Sciences, pp. 169, 241, 1872
American Journal of Science and Arts (3), Vol. IV, p. 240, September, 1872.
Extinct Vertebrate Fauna, pp. 93, 96, 333, 334, Plate XXV, Plate XXVI, figs. 1–8, Plate XXVII, figs. 30–34, 1873.
Cope, Proceedings of the Philadelphia Academy of Natural Sciences, p. 102, March, 1873; p. 295, for 1882, 1883.
Hayden's Report U. S. Geological Survey for 1872, pp. 581, 583, 1873.
American Naturalist, Vol. VII, p. 159, March, 1873; Vol. XVII, p. 68, January, 1883.
Proceedings of the American Philosophical Society, Vol. XIII, pp. 62, 64, 1873.
Marsh, American Journal of Science and Arts, Vol. V, p. 296, April, 1873.
American Naturalist, Vol. VII, p. 147, March, 1873.
Proceedings of the American Philosophical Society, Vol. XII, p. 578, 1872.
Osborn, Scott and Speir, Palæontological Report, 1877, pp. 62, 71, 82, 1878.
Osborn, Memoir upon Loxolophodon and Uintatherium, pp. 18, 28, 1881.
Leidy (Uintamastix atrox).—Extinct Vertebrate Fauna, pp. 94, 107, 333, 1873.

The type specimen of this species was collected in 1872, by Drs. J. V. A. Carter and J. K. Corson, fifty miles east of Fort Bridger, Wyoming.

The remains of this specimen consist of the cranial portion of a skull, with fragments of both jaws, and portions of limb bones.

The geological horizon of this species is in the Bridger beds of the Middle Eocene.

This type specimen is preserved in Prof. Leidy's collection.

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[1] *Uinta*, Indian name, and *θηρίον*, a wild beast.

Uintatherium fissidens, Cope, sp.

Woodcuts: 196 and 197, below.

FIG. 196. FIG. 197.

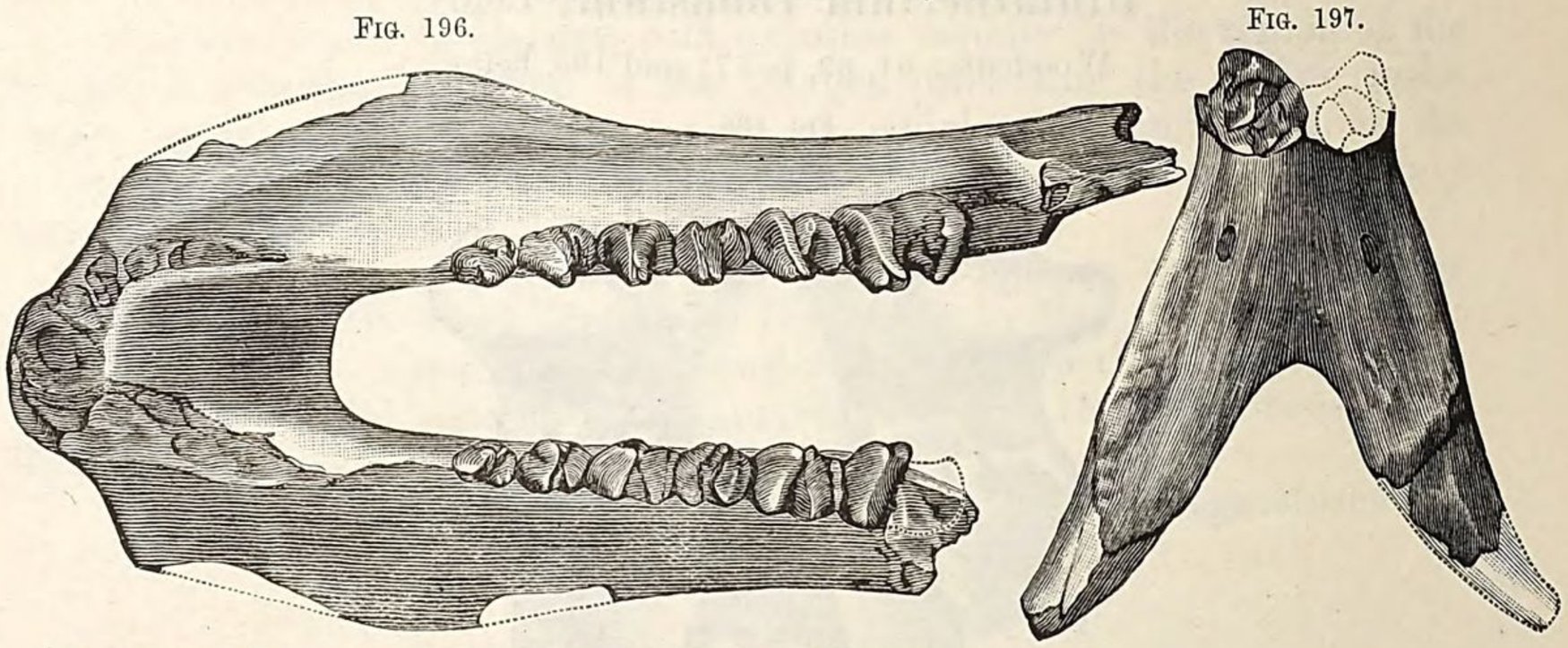

FIGURE 196.—Lower jaw of *Uintatherium fissidens* (after Cope); top view.
FIGURE 197.—The same specimen; front view.
Both figures are two-thirds natural size.

The above figures were made by a direct transfer from the original woodcuts cited below.

Cope (Bathyopsis fissidens).—Bulletin of the U. S. Geological Survey of the Territories, Vol. VI, No. 1, pp. 194–196, February, 1881.
Proceedings of the American Philosophical Society, Vol. XX, pp. 176, 177, 1882.
American Naturalist, Vol. XV, p. 75, January, 1881; Vol. XVIII, p. 1115, fig. 7, November, 1884.

The type specimen of this species was collected by Mr. J. L. Wortman, in 1880, in the Wind River Basin, Wyoming.

This specimen consists of portions of the lower jaws here figured.

The geological horizon of this species is not known with certainty, but is apparently in the Bridger beds of the Eocene.

The type specimen is preserved in Prof. Cope's collection.

Uintatherium latifrons, Marsh.

Woodcuts: 11, p. 17; 125, 126, 127, 128, p. 130.

Marsh, Fifth Annual Report of the U. S. Geological Survey, (figure from the present volume, viz:) fig. 48, p. 262, 1884.

In this species, the snout tapers in front, where the nasals are divided by an open suture. The nasal protuberances are of moderate size, broadly oval at the base, approximate, and moderately divergent. The nasals project well forward beyond them. The maxillary protuberances are large, and rounded, and are connected by a very low transverse

ridge. The parietal protuberances were robust, and broadly oval in section near the top, and are connected by a low transverse ridge across the top of the skull. All these protuberances in this specimen are smooth, and regularly rounded.

The type specimen (number 1231) upon which this species is based was collected by Mr. J. W. Chew, in 1874, two miles from Big Bone Buttes, Wyoming.

The remains of this specimen consist of a skull, etc.

The geological horizon of this species is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are preserved in Yale College Museum.

Uintatherium Leidianum, Osborn, Scott, and Speir.

Woodcut: 198, below.

FIG. 198.

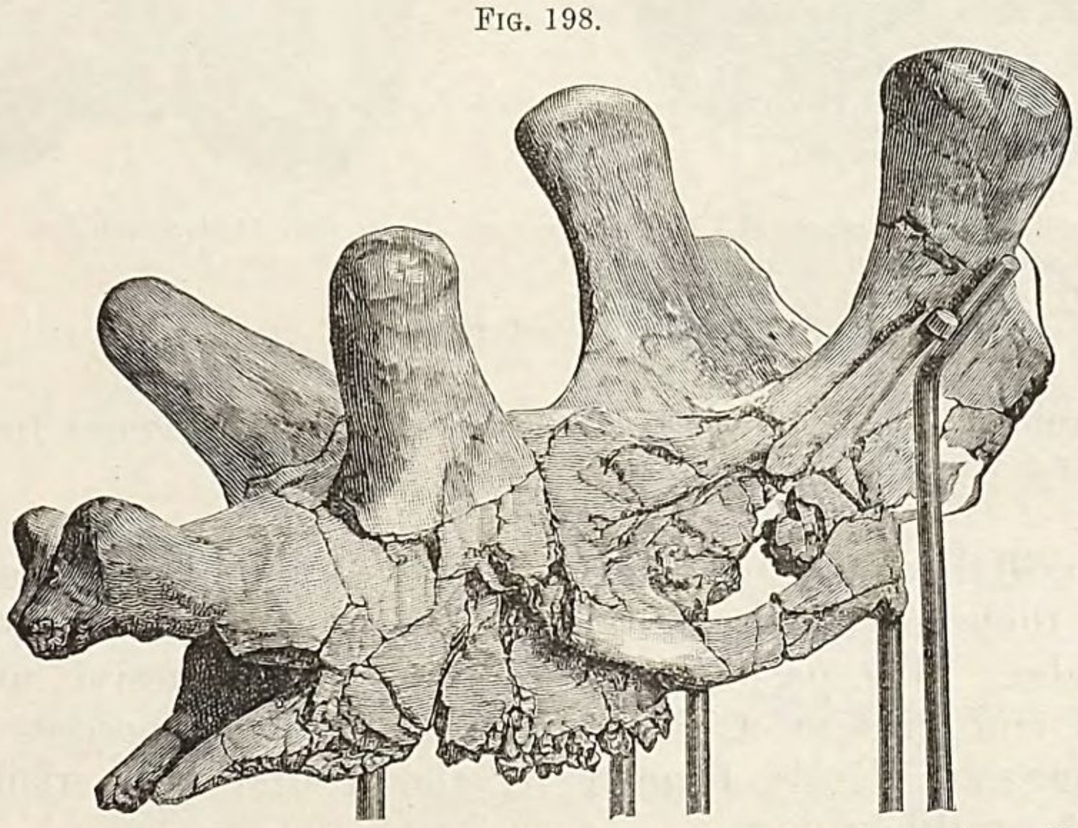

FIGURE 198.—Skull of *Uintatherium Leidianum* (after Osborn, Scott, and Speir); oblique side view. About one-eighth natural size.

This figure was photographed on wood from the original heliotype plate, cited below.

Osborn, Scott, and Speir, Palæontological Report, pp. 63–80, Plates VI–VIII, 1878.
Osborn, Memoir upon Loxolophodon and Uintatherium, pp. 18, 19, 22–24, Plate II, 1881.
Cope, American Naturalist, Vol. XVIII, p. 1117, fig. 10, November, 1884.

The type specimen of this species was collected in 1877, near Dry Creek, in Wyoming.

This specimen consists of a skull, and portions of the skeleton.

The geological horizon of this species is in the Dinoceras beds of the Middle Eocene.

The type specimen is preserved in the Princeton Museum.

Uintatherium segne, Marsh.

Woodcuts: 41, 42, p. 39; 101, 102, p. 83; and 199, 200, below.

FIG. 199.

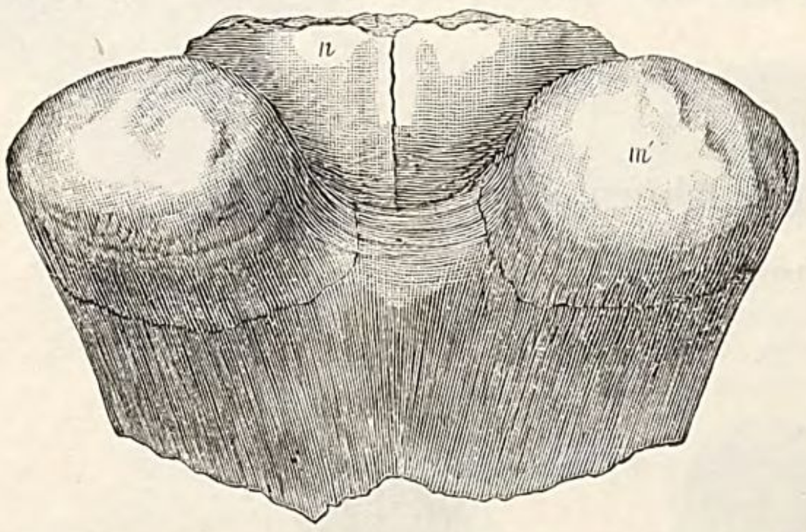

FIG. 200.

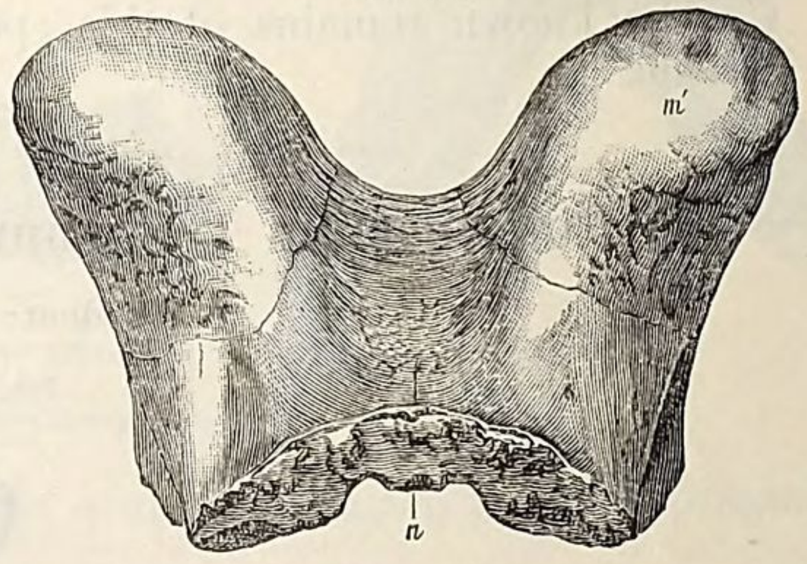

FIGURE 199.—Maxillary protuberances of *Uintatherium segne*, Marsh (No. 1194); seen from above.
FIGURE 200.—The same specimen; seen from in front.
m'. maxillary protuberance; *n*. nasal bone.
Both figures are one-fourth natural size

Marsh, Fifth Annual Report of the U. S. Geological Survey, (figures from the present volume, viz:) figs. 78, 79, p. 276, 1884.

The maxillary protuberances of the skull of this specimen are peculiar for their robust form. They are connected by a well developed transverse ridge. The parietal protuberances are massive, and somewhat club-shaped, and present a ridge in front, as in *Dinoceras mirabile* and *Tinoceras ingens*, evidently formed by the frontal bone rising nearly to the top of the protuberances.

The type specimen (number 1194) of this species was collected by Messrs. S. Smith and J. W. Chew, east of Fort Bridger, Wyoming, in October, 1873.

The remains of this species consist of a lower jaw, and other parts of the skeleton.

The geological horizon of this species is in the Dinoceras beds of the Middle Eocene.

The known remains of this species are preserved in Yale College Museum.

Amblypoda, see **Amblydactyla.**

Bathyopsis fissidens, see **Uintatherium fissidens.**

Dinocerea, see **Dinocerata.**

Dinoceras lacustris, see **Tinoceras lacustre.**

Eobasileus cornutus, see **Tinoceras cornutum.**

Eobasileus furcatus, see **Tinoceras.**

Eobasileus galeatus, see **Tinoceras galeatum.**

Eobasiliidæ, see **Tinoceratidæ.**

Lefalophodon bifurcatus, see **Tinoceras.**

Lefalophodon excressicornis, see **Tinoceras.**

Lefalophodon discornutus, see **Tinoceras cornutum.**

Loxolophodon anceps, see **Tinoceras anceps.**

Loxolophodon cornutus, see **Tinoceras cornutum.**

Loxolophodon furcatus, see **Tinoceras.**

Loxolophodon galeatus, see **Tinoceras galeatum.**

Loxolophodon grandis, see **Tinoceras grande.**

Loxolophodon pressicornis, see **Tinoceras.**

Loxolophodon Speirianum, see **Tinoceras Speirianum.**

Mastodon anceps, see **Tinoceras anceps.**

Pantodonta, see **Coryphodontia.**

Titanotherium? anceps, see **Tinoceras anceps.**

Uintamastix atrox, see **Uintatherium robustum.**

Uintatherium cornutum, see **Tinoceras cornutum.**

Uintatherium lacustre, see **Tinoceras lacustre.**

Uintatherium laticeps, see **Dinoceras laticeps.**

Uintatherium princeps, see **Uintatherium.**

Uintatherium lucare, see **Dinoceras lucare.**

Uintatherium mirabile, see **Dinoceras mirabile.**

Uintatheridæ, see **Tinoceratidæ.**

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First species of *Dinocerata* described (Titanotherium ? *anceps*). Titanotherium was the first generic name applied to any of the *Dinocerata*. It was then a synonym of *Menodus*, but having been once used in another group, it cannot be retained for any genus of the *Dinocerata*. The same well known rule excludes the name Loxolophodon, which was first given to a species of *Coryphodon*.

1872.

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Leidy, Joseph. — On some New Species of Fossil Mammalia from Wyoming. Proceedings of the Academy of Natural Sciences, Vol. XXIV, pp. 167–169. Philadelphia, September, 1872.

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The same, American Journal of Science and Arts (3), Vol. IV, pp. 239, 240. New Haven, September, 1872.

First description of *Uintatherium robustum*.

Marsh, Othniel Charles.—Preliminary Description of New Tertiary Mammals; Parts I, II, III, and IV (from American Journal of Science and Arts, August and September, 1872), with Postscript and Errata, pp. 1–35; published in advance, August 19, 1872.

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Marsh, Othniel Charles.—Note on *Tinoceras anceps*.—American Journal of Science and Arts (3), Vol. IV, p. 322. New Haven, October, 1872.
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Description of *Tinoceras grande*, and family *Tinoceratidæ* proposed.

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The same, published in advance. Philadelphia, 1872.

* The authority for the date here assigned to this number of the Proceedings is the written statement of Prof. J. P. Lesley, Secretary of the Society, who then had charge of its publications.

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The same, published in advance, 1872.

Description of specimens named Loxolophodon cornutus, L. furcatus, and L. pressicornis. (See note on page 225 of the present volume.)

Cope, Edward Drinker.—Notice of Proboscidians from the Eocene of Southern Wyoming.—Proceedings of the American Philosophical Society, Vol. XII, number 89, for 1872, p. 580. Philadelphia, February, 1873.

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The same, Palæontological Bulletin, No. 5, re-published, Philadelphia, 1873.

Cope, Edward Drinker.—The Proboscidians of the American Eocene.—American Naturalist, Vol. VI, pp. 773, 774. Salem, December, 1872.

Leidy, Joseph.—Remarks on Fossil Mammals from Wyoming.—Proceedings of the Academy of Natural Sciences, Vol. XXIV, pp. 240-242. Philadelphia, December, 1872.

1873.

Marsh, Othniel Charles.—On some of Professor Cope's Recent Investigations.—American Naturalist, Vol. VII, pp. 51, 52. Salem, January, 1873.

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Marsh, Othniel Charles.—Note on the Dates of some of Professor Cope's recent Papers.—American Journal of Science and Arts (3), Vol. V, pp. 235, 236. New Haven, March, 1873.

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The same, with additions, Palæontological Bulletin, No. 13. Philadelphia, 1873.

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The same, published in advance, September, 1873.

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Leidy, Joseph.—Contributions to the Extinct Vertebrate Fauna of the Western Territories.—Report of the United States Geological Survey of the Territories, F. V. Hayden, 4to, Vol. I. Washington, 1873. (Dinocerata, pp. 93–109, 331–334; Plate XXV; Plate XXVI, figs. 1–8; Plate XXVII, figs. 30–34.)

A full discussion of the structure, classification, etc., of the *Dinocerata*.

On page 95 of this memoir, Dr. Leidy in citing the description of *Dinoceras mirabile* inadvertently omitted the following: "small, compressed, osseous elevations which probably supported a pair of horns. The maxillaries have a pair of." Prof. Cope, referring apparently not to the original paper, but to this incomplete passage, has since asserted that the author placed the posterior horn-cores of Dinoceras on the frontal bones, a statement without foundation.

Cope, Edward Drinker.—On the Extinct Vertebrata of the Eocene of Wyoming observed by the Expedition of 1872.—United States Geological Survey of the Territories, Sixth Annual Report, F. V. Hayden, 8vo, pp. 543–649, Plates I–VI. Washington, 1873.

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Cope, Edward Drinker.—Palæontological Bulletins Nos. 1–13, 8vo, Philadelphia, 1873. Contains reproductions, among others, of the following papers, some with additions or corrections, viz:

No. 5.—Telegram from Black Buttes, Wyoming.

No. 6.—Notices of New Vertebrata from the Upper Waters of Bitter Creek, Wyoming Territory. Reprint.

No. 7.—Second Notice of Extinct Vertebrates from Bitter Creek, Wyoming. Reprint.

No. 11.—On two New Perissodactyles from the Bridger Eocene. With changes.

No. 13.—On some of Professor Marsh's Criticisms. With additions.

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Marsh, Othniel Charles.—Small Size of the Brain in Tertiary Mammals.—American Journal of Science and Arts (3), Vol. VIII, pp. 66, 67. New Haven, July, 1874.

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The same.—American Naturalist, vol. viii, pp. 503, 504, Salem, August, 1874.

The same.—Annals and Magazine of Natural History (4), vol. xiv, p. 167, London, August, 1874.

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The same.—Journal de Zoologie, vol. iii, pp. 326, 327, Paris, 1874.

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Cope, Edward Drinker.—The Feet of Bathmodon.—Proceedings of the Academy of Natural Sciences, Vol. XXVII, p. 73. Philadelphia, May, 1875.

The *Dinocerata*, from the structure of the feet, regarded as a suborder.

1876.

Marsh, Othniel Charles.—Principal Characters of the Dinocerata, Part I.—American Journal of Science and Arts (3), Vol. XI, pp. 163–168, Plates II–VI. New Haven, February, 1876.

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The same.—Journal de Zoologie, vol. v, pp. 136–145, Paris, 1876.

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Owen, Richard.—On the existence or not of Horns in the Dinocerata.—American Journal of Science and Arts (3), Vol. XI, pp. 401–403. New Haven, May, 1876.

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Ryder, John A.—On the Mechanical Genesis of Tooth Forms.—Proceedings of the Academy of Natural Sciences for 1878, pp. 45–80. Philadelphia, April, 1878.

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Description of the lower jaw of a female *Tinoceras*, or allied genus.

Nicholson, Alleyne.—Manual of Palæontology, 8vo, Vol. II, p. 370–373, figs. 656, 657. Edinburgh and London, 1879.

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POSTSCRIPT.

The Plates of the present volume, with their accompanying pages of explanations, were nearly all printed in 1881 and 1882, and the last of the series, in February, 1883. Most of the other illustrations, also, were completed by the latter date. In consequence of an unexpected delay in printing the text, some of the figures prepared for the Monograph first appeared elsewhere.

An extended abstract of this volume, with 102 illustrations, was prepared by the author, in July, 1884, for the Fifth Annual Report of the Director of the United States Geological Survey, and references to the pages of this Report will be found in the preceding Synopsis.

With the permission of the Director of the United States Geological Survey, an author's edition of 500 copies of this work was printed in February, 1885.

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PLATE I.

PLATE I.

DINOCERATA.

Skull of DINOCERAS MIRABILE, Marsh.

Two-fifths Natural Size.

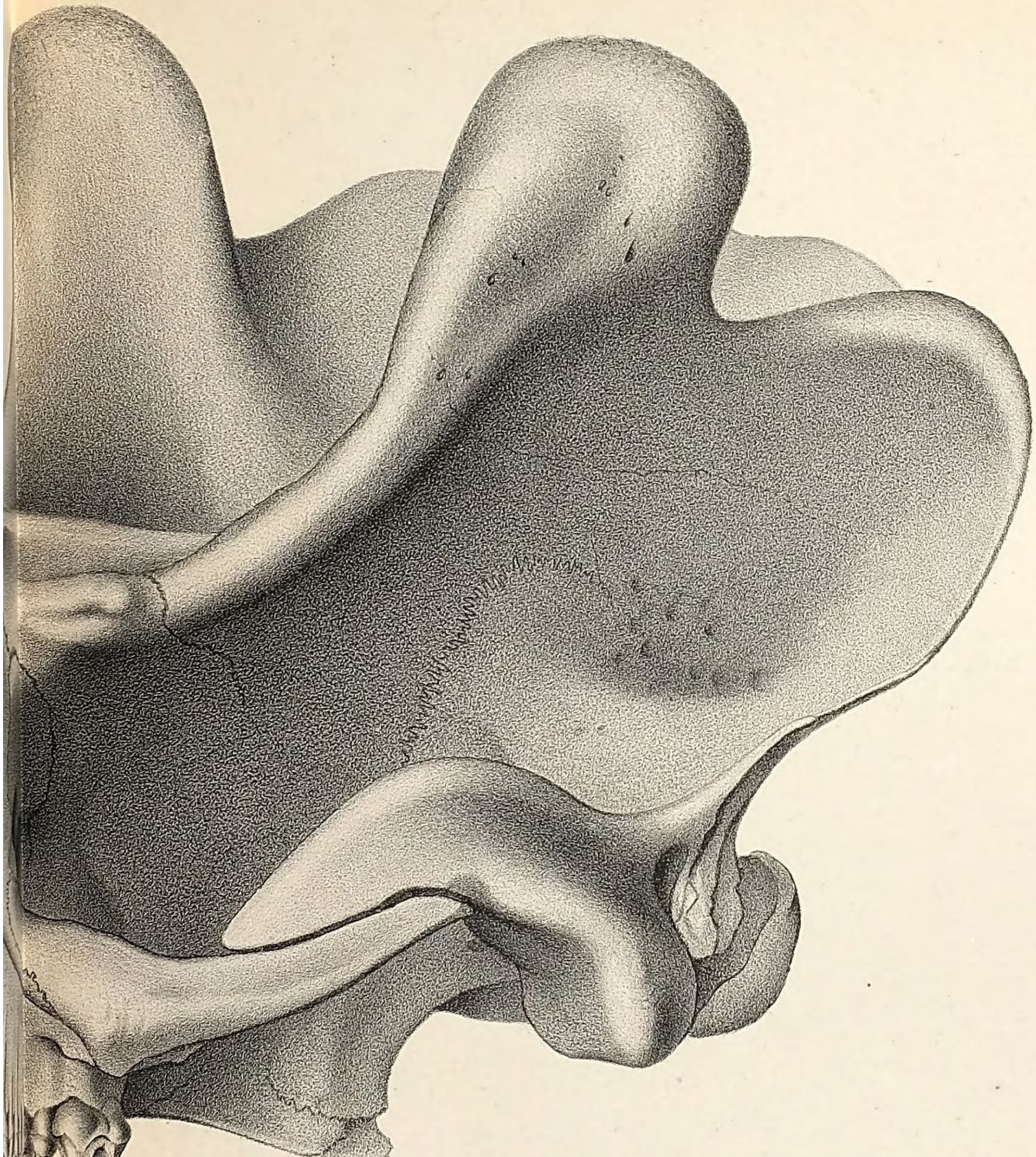
Skull; oblique view, type specimen (No. 1036, Yale College Museum,) ---------- 11

This skull, from which the figures on the next six plates are also drawn, belonged to an animal fully adult, as shown by the teeth, but not so old as to have the cranial sutures obliterated. The right canine is restored from the left, which is perfect.

F Berger, del.

DINOCERAS M

PLATE. I.



E. Crisand, lith. New Haven.

IRABILE, Marsh. 2/5

PLATE II.

PLATE II.

DINOCERATA.

Skull of DINOCERAS MIRABILE, **Marsh.**

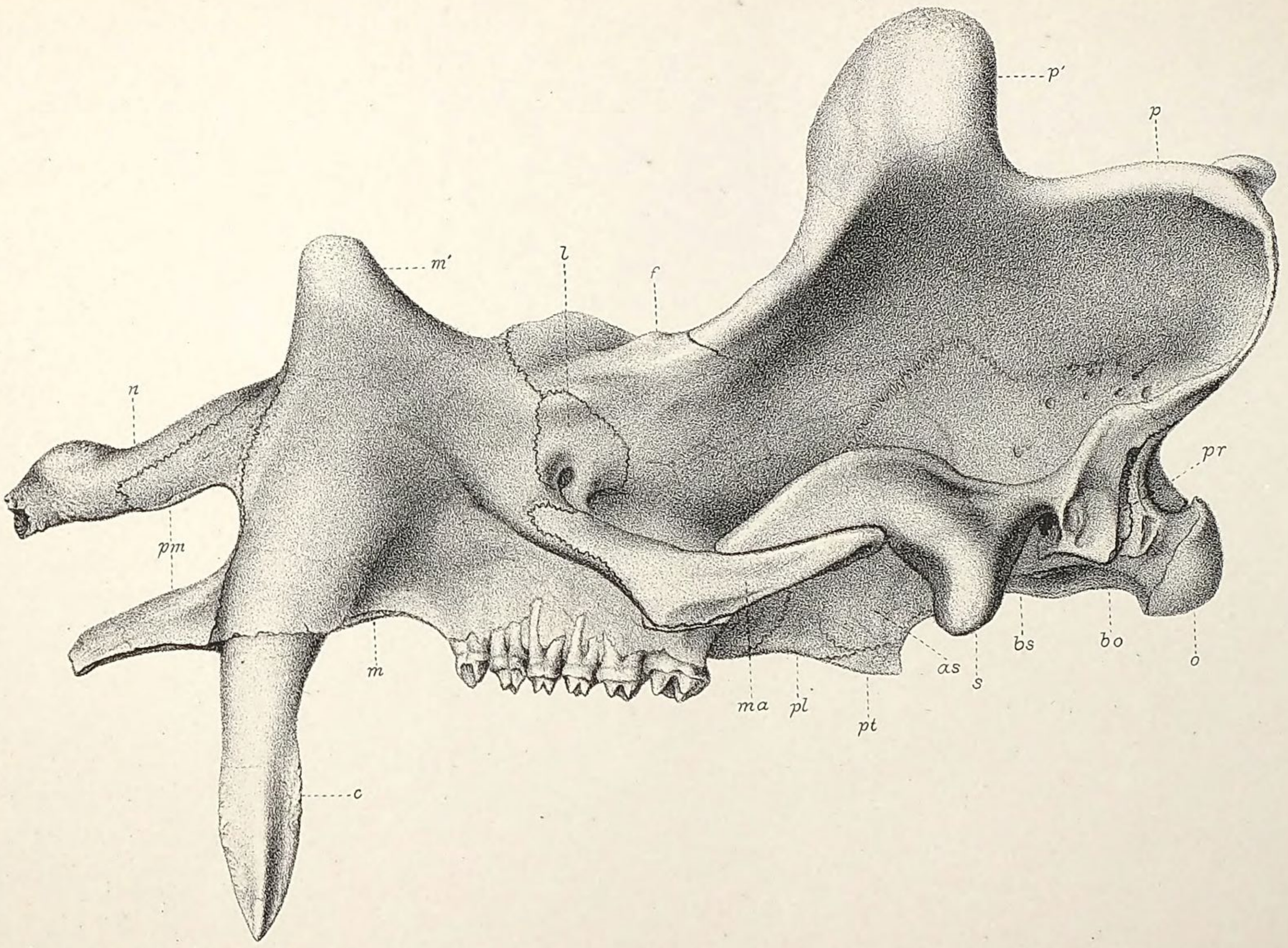
One-fourth Natural Size.

Page.

Skull; lateral view, seen from the left, ---------- 11

n —Nasal bone.
pm—Premaxillary.
c —Canine tooth.
m —Maxillary bone.
m' —Maxillary protuberance.
l —Lachrymal bone.
f —Frontal.
ma—Malar.
pl —Palatine.
pt —Pterygoid.
as —Alisphenoid.
s —Post-glenoid process of squamosal.
bs —Basisphenoid.
bo —Basioccipital.
o —Occipital condyle.
p —Posterior crest.
p' —Posterior protuberance.

PLATE II.



F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE III.

PLATE III.

DINOCERATA.

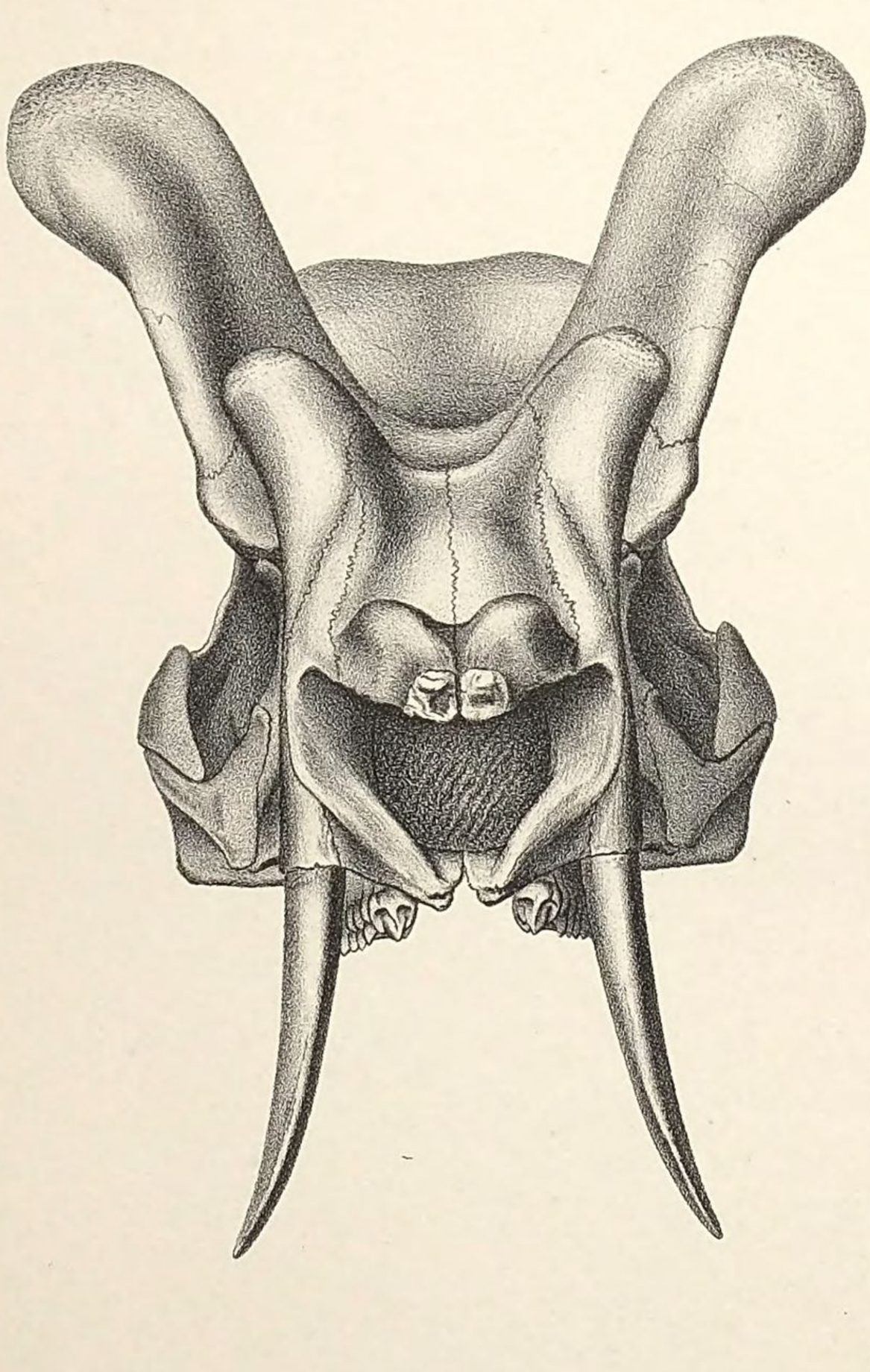
Skull of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

Skull; front view, ---------- 11

NOTE.—The surface covered by oblique bars in this and the following plates indicates portions concealed by the adhering matrix or otherwise obscured.



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DINOCERAS MIRABILE, Marsh. ¼.

PLATE IV.

PLATE IV.

DINOCERATA.

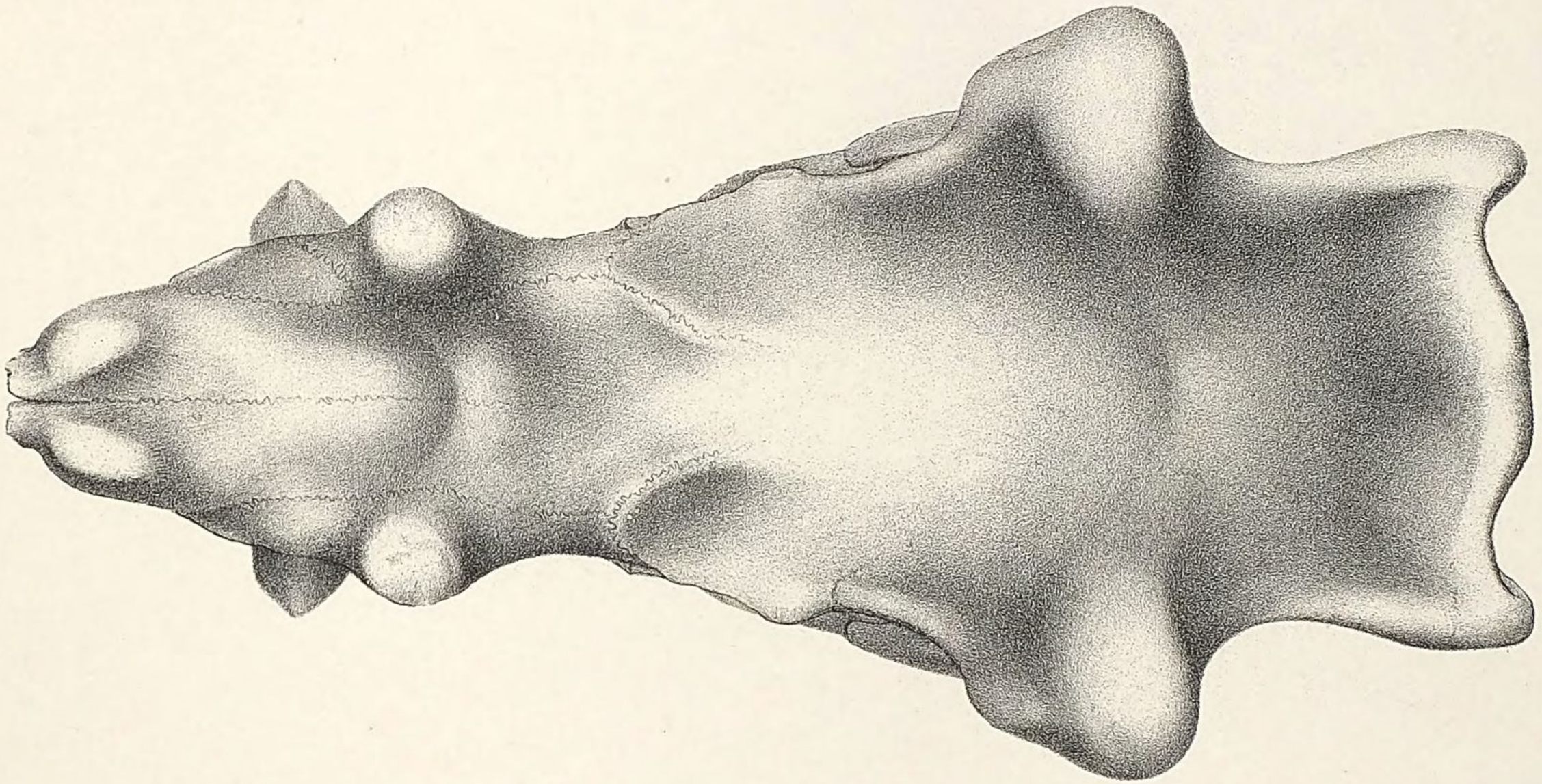
Skull of DINOCERAS MIRABILE, **Marsh.**

One-fourth Natural Size.

Page.

Skull; superior view, ---------- 11

PLATE IV.



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DINOCERAS MIRABILE, Marsh. ¼.

PLATE V.

PLATE V.

DINOCERATA.

Skull of DINOCERAS MIRABILE, Marsh.

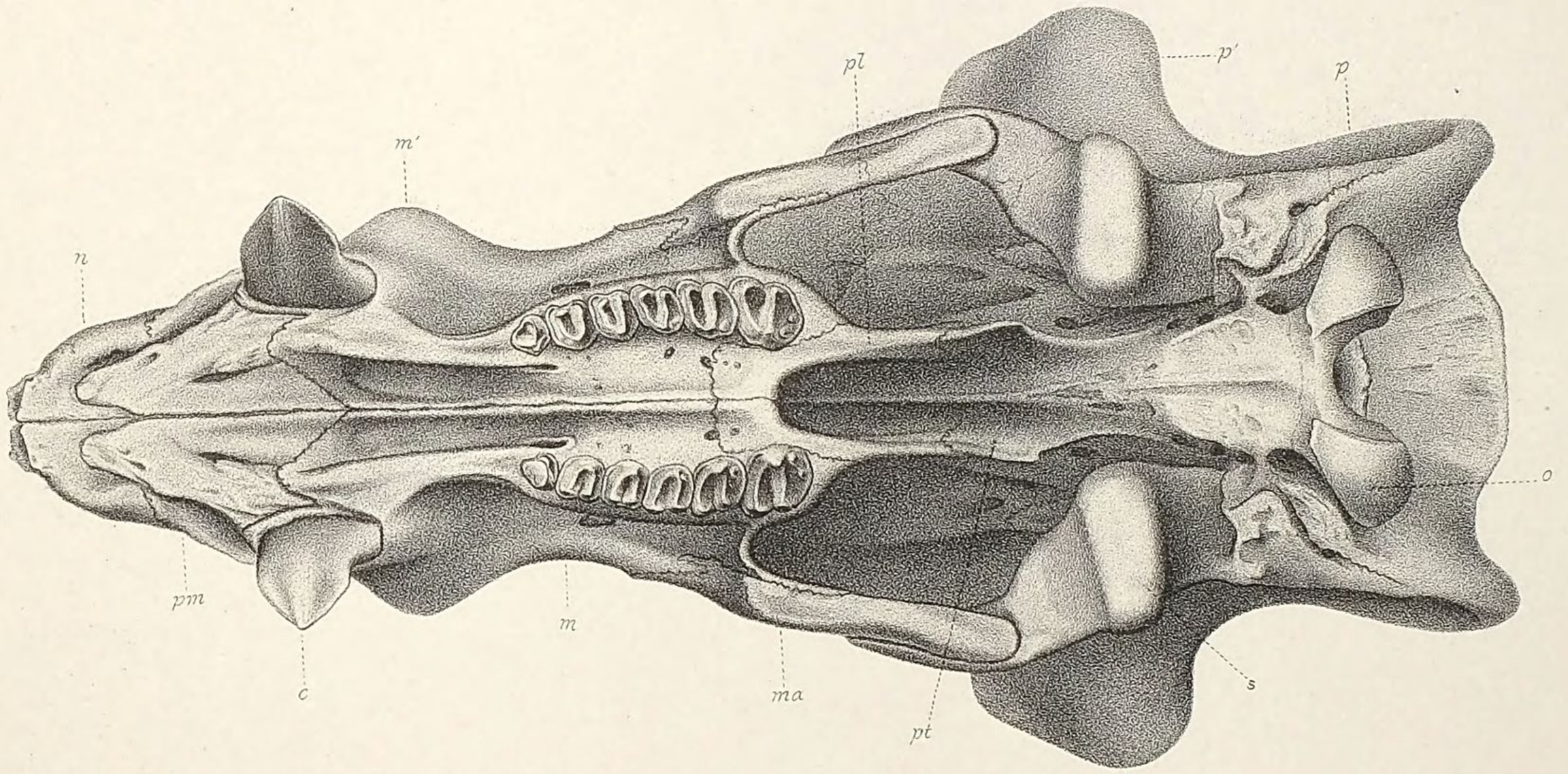
One-fourth Natural Size.

Page.

Skull; inferior view, ---------- 24

n —Nasal bone.
pm—Premaxillary.
c —Canine tooth.
m —Maxillary bone.
m' —Maxillary protuberance.
ma—Malar bone.
pl —Palatine.
pt —Pterygoid.
s —Post-glenoid process of squamosal.
o —Occipital condyle.
p —Posterior crest.
p' —Posterior protuberance.

PLATE V.



F Berger, del.

E Crisand lith New Haven.

DINOCERAS MIRABILE, Marsh ¼

PLATE VI.

PLATE VI.

DINOCERATA.

Brain-cast of DINOCERAS MIRABILE, Marsh.

Three-fourths Natural Size.

FIG. 1.—Cast of Brain-cavity; lateral view, seen from the left, ---------- 53

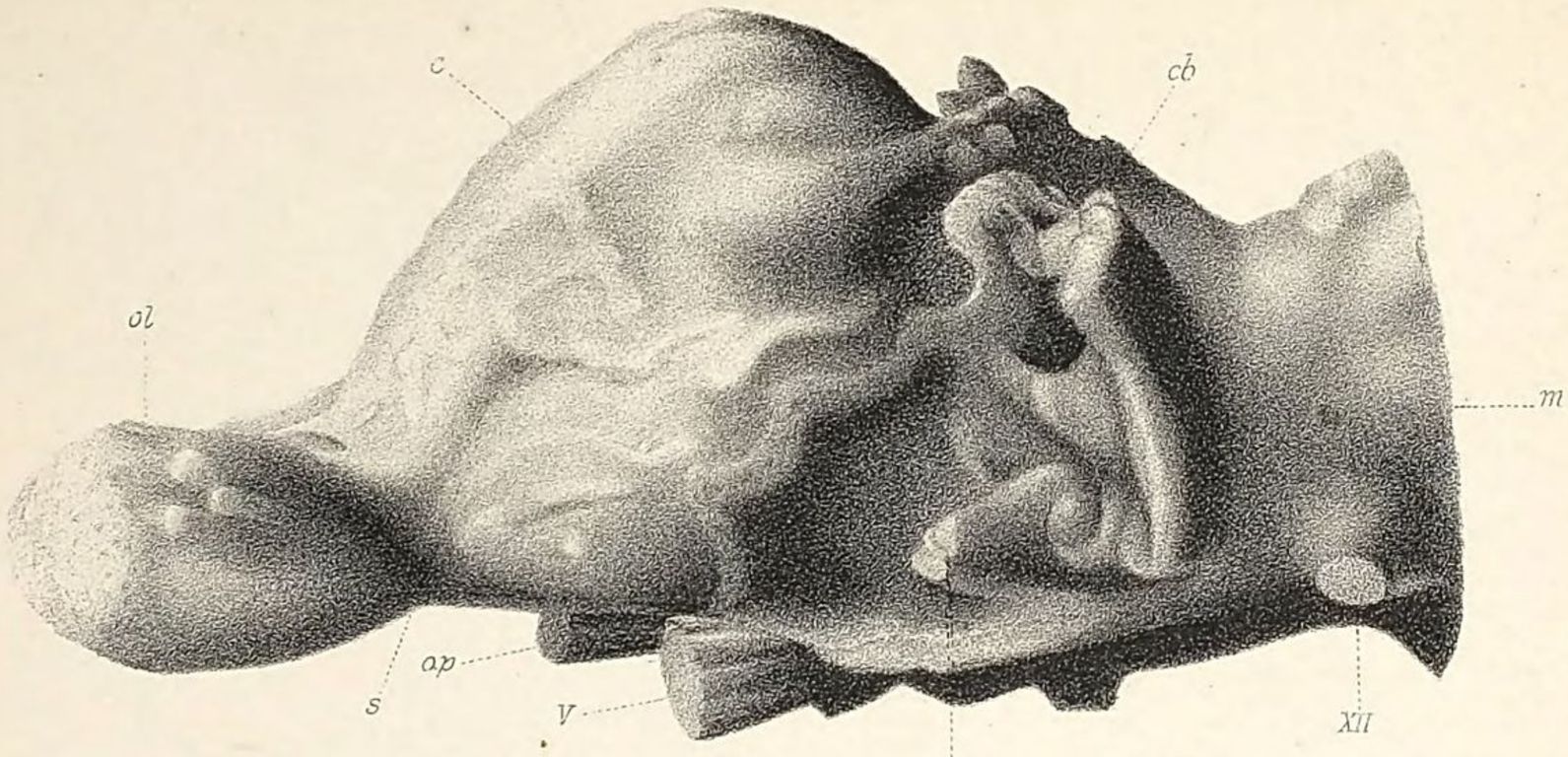
FIG. 2.—The same; superior view, ---------- 54

FIG. 3.—The same; inferior view, ---------- 55

ol or *I*—Olfactory lobes.
c —Cerebral hemispheres.
s —Sylvian fissure.
op or *II*—Optic nerves.
V —Trigeminal, or fifth, nerve
P —Pituitary body.
f —Flocculus.
f' —Sixth nerve.
cb —Cerebellum.
cf or *XII*—Condylar foramen for twelfth nerve.
m —Medulla.

PLATE VI.

1



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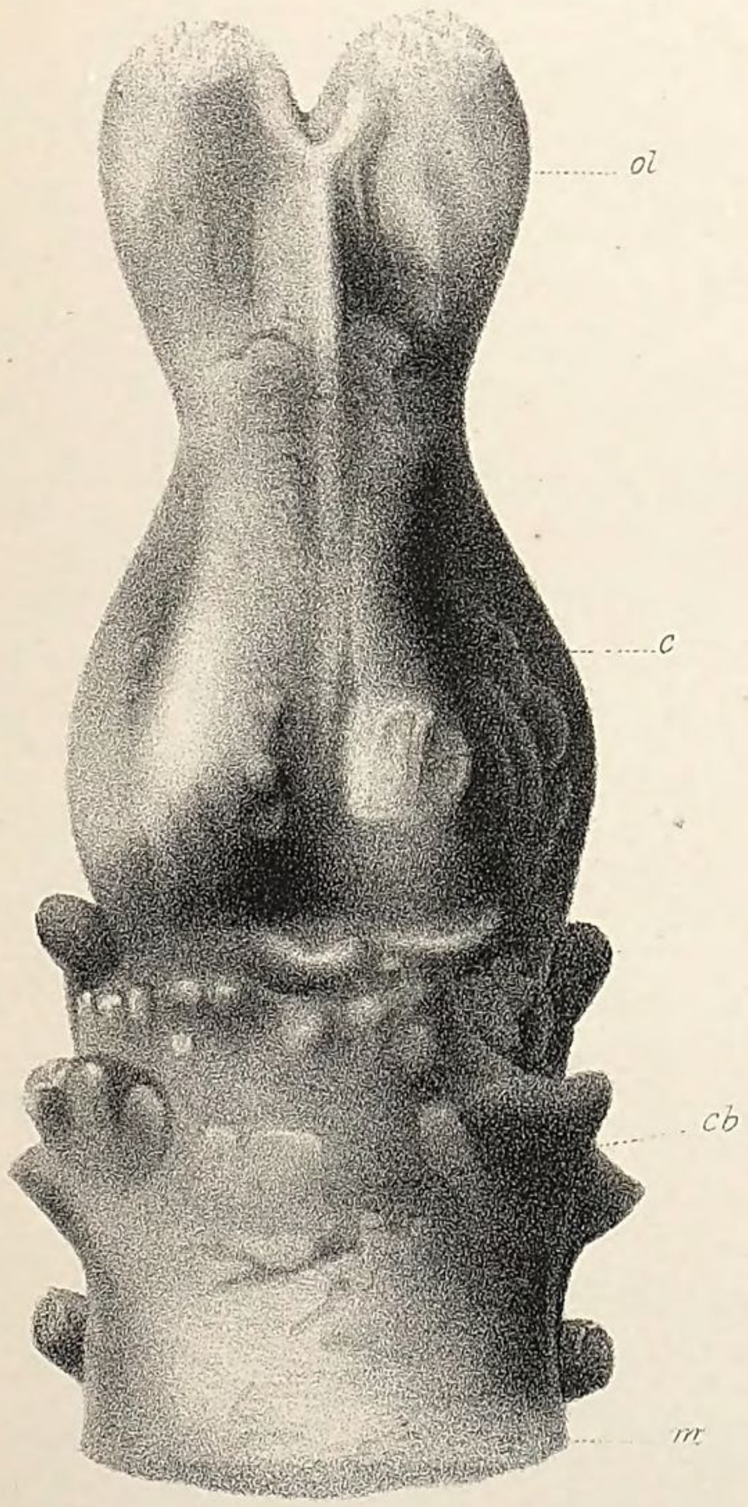

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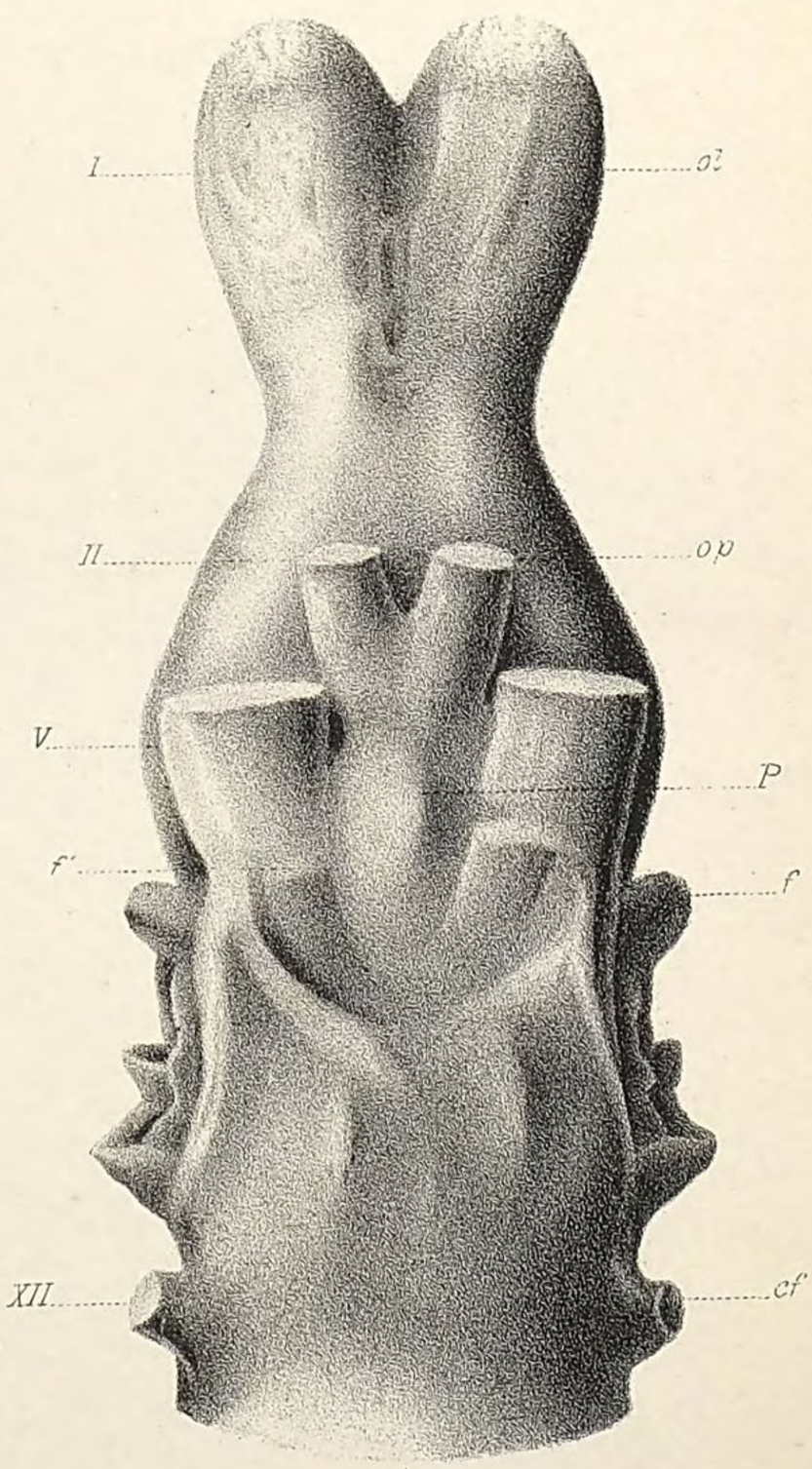

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DINOCERAS MIRABILE, Marsh. 3/4.

PLATE VII.

PLATE VII.

DINOCERATA.

Molars of DINOCERAS MIRABILE, Marsh.

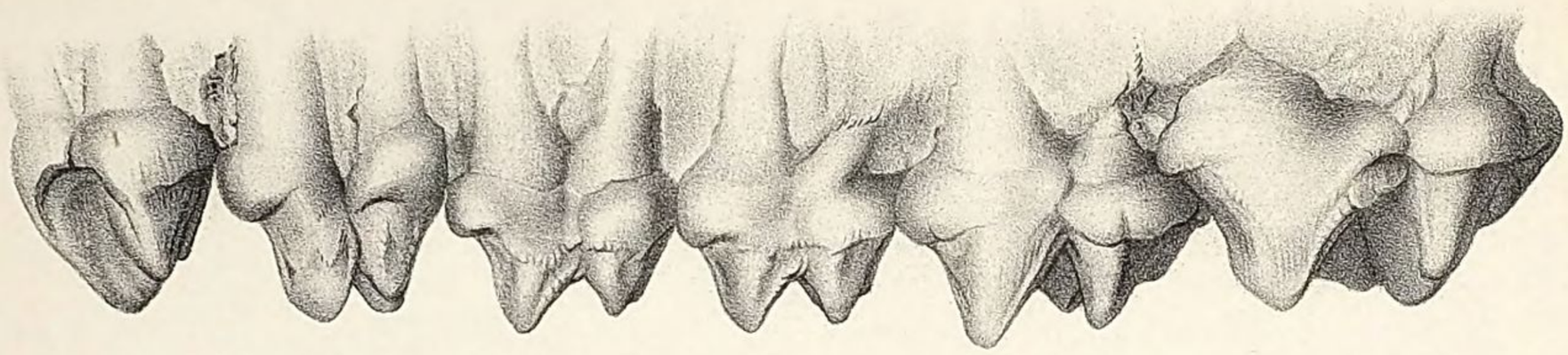
Natural Size.

Page.

FIG. 1.—Upper molars; exterior view, from left side, ... 46

FIG. 2.—The same; showing grinding surface, ... 48

1



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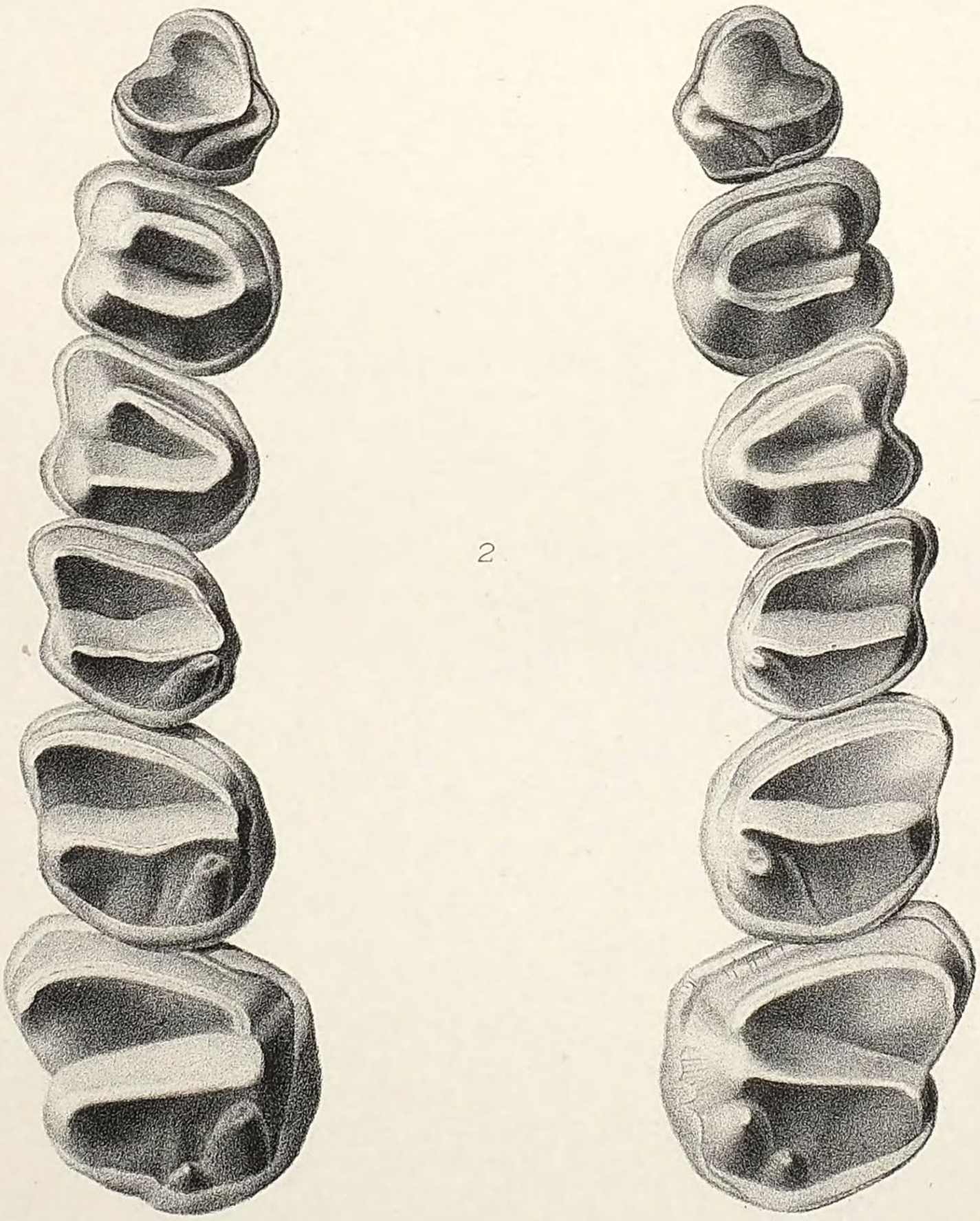

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DINOCERAS MIRABILE, Marsh. 1/1.

PLATE VIII.

PLATE VIII.

DINOCERATA.

Lower jaw and teeth of DINOCERAS MIRABILE, Marsh. Page.

FIG. 1.—Right lower jaw; lateral view, inner side, one-third natural size, ---------- 49

i —First incisor tooth.
c —Canine tooth.
d —Diastema.
s —Section through symphysis.
cp —Process for protection of canine tusk.
a —Angle of jaw.
f —Dental foramen.
cd —Condyle.
cr —Coronoid process.

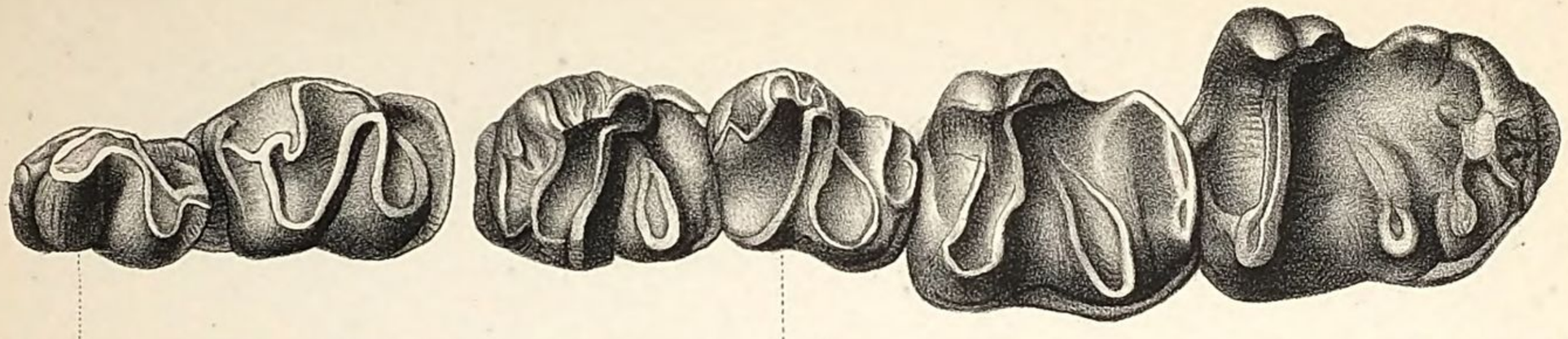
FIG. 2.—Left lower molars; superior view, natural size, ---------- 50

FIG. 3.—The same; lateral view, natural size, ---------- 50

1*pm*—First premolar.
1*m* —First molar.

The first and second premolars in figures 2 and 3 are restored from a second specimen.

2



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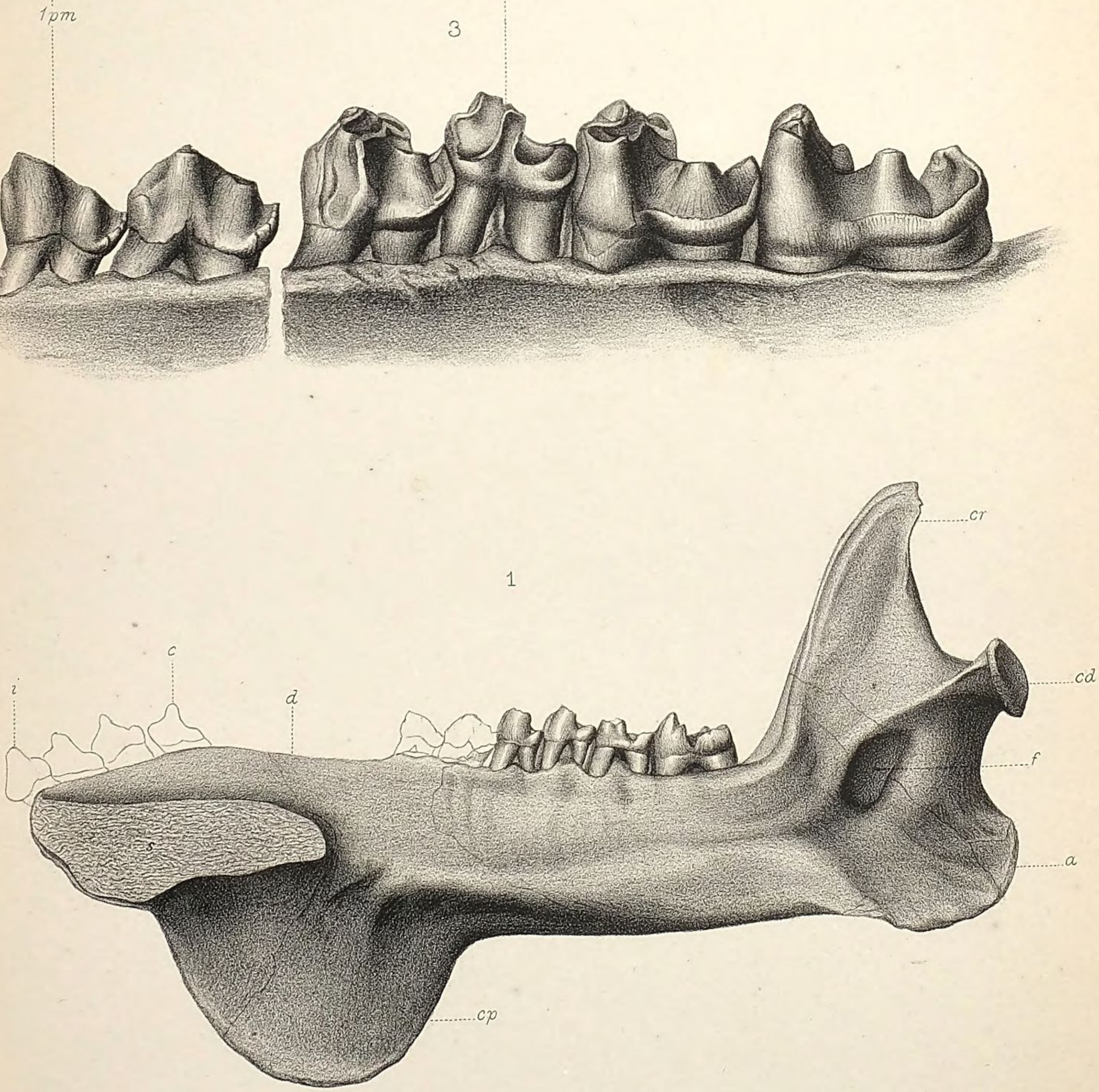

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DINOCERAS MIRABILE, Marsh.

PLATE IX.

PLATE IX.

DINOCERATA.

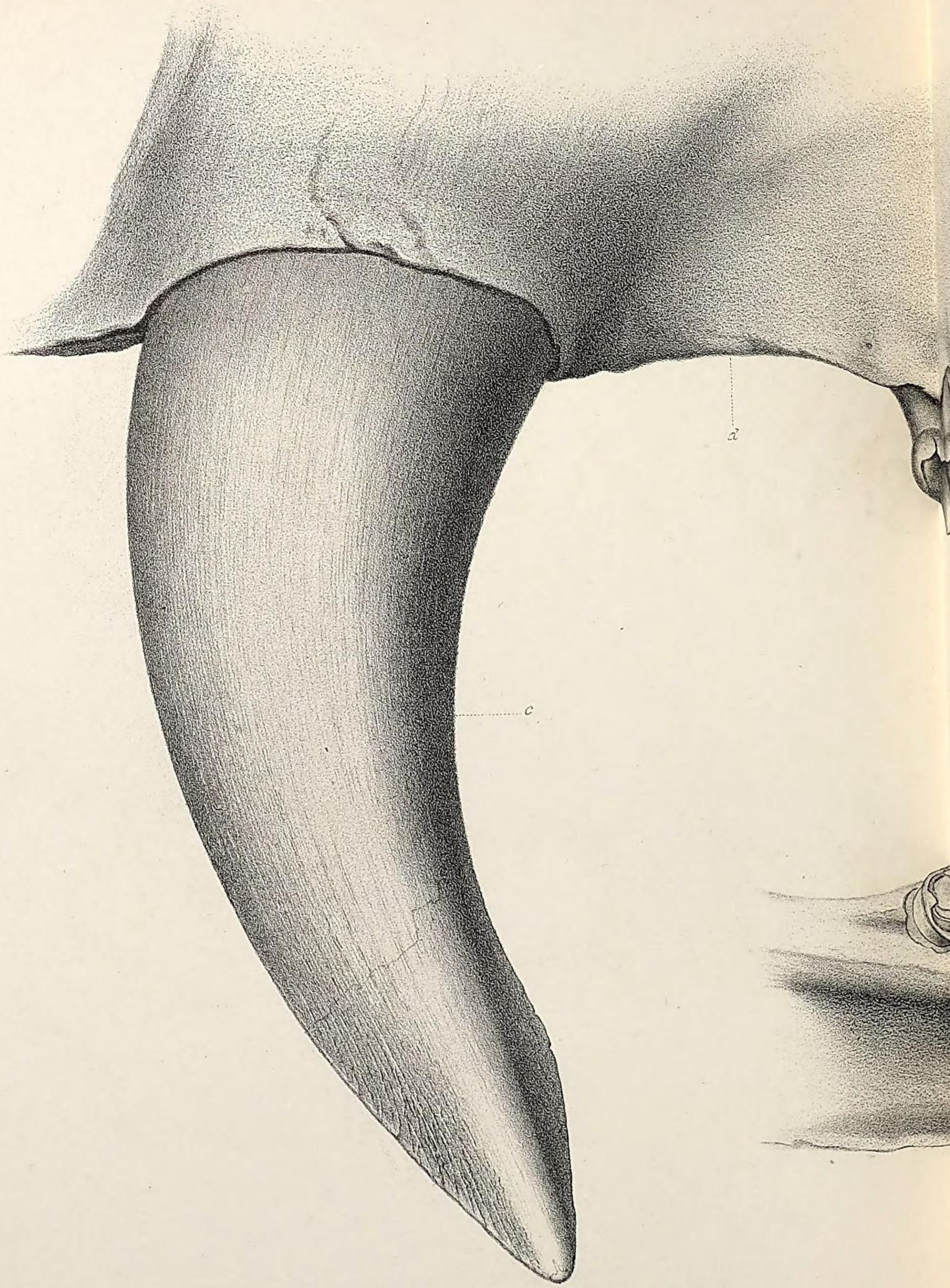
Teeth of DINOCERAS LUCARE, Marsh.

Natural Size.

FIG. 1.—Upper molars and canine; type specimen, (No. 1038,) lateral view, seen from the left, 45

FIG. 2.—Upper molars; showing grinding surface, ---------- 49

c —Canine tooth.
d —Diastema.
1*p* —First premolar.
1*m*—First molar.
f —Posterior palatine foramen.
f' —Palato-maxillary foramen.



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DINOCERAS

PLATE IX.

E. Crisand, lith. New Haven.

LUCARE, Marsh. 1/1.

PLATE X.

PLATE X.

DINOCERATA.

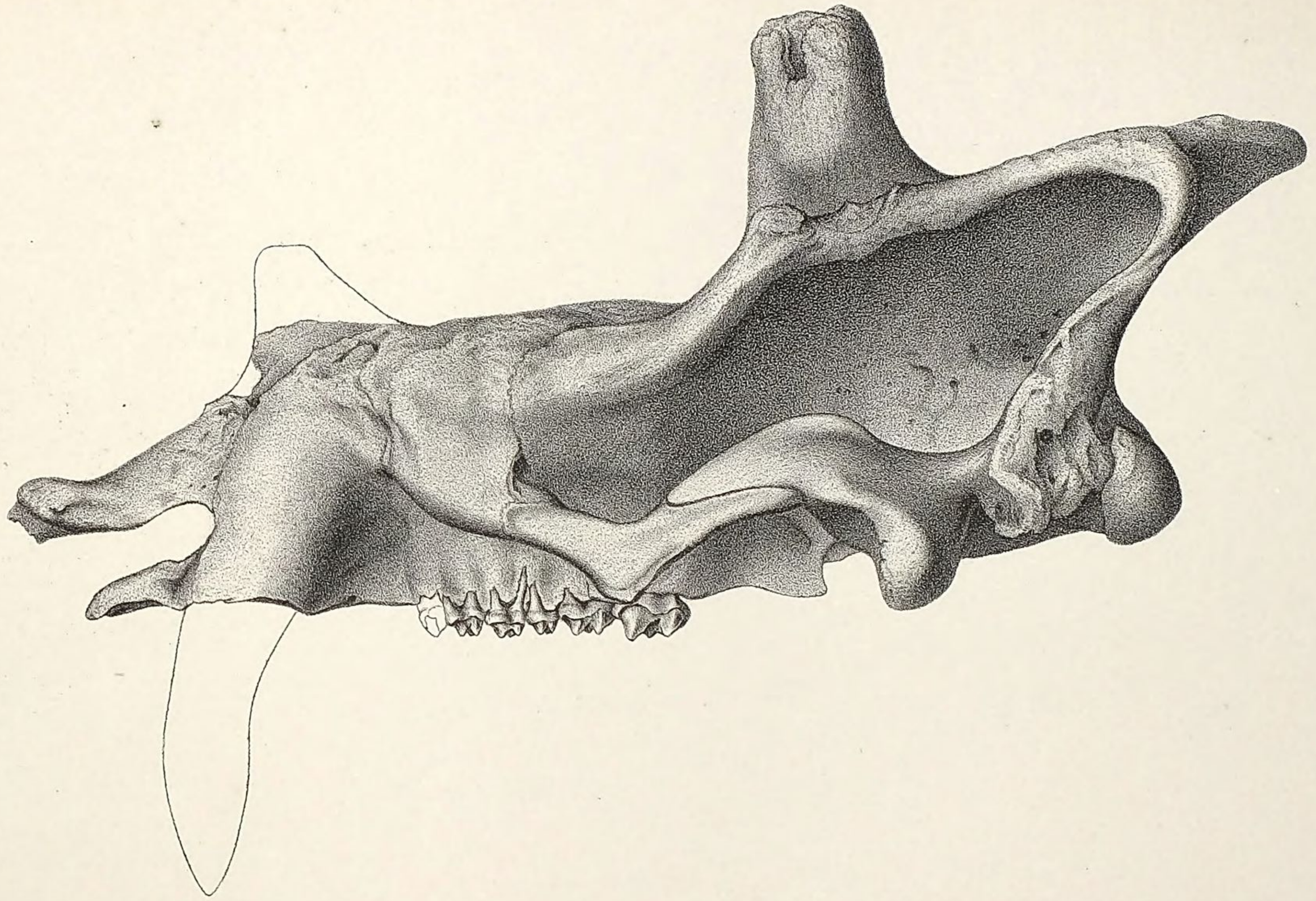
Skull of DINOCERAS LATICEPS, Marsh

One-fourth Natural Size.

Page.

Skull; type specimen, (No. 1039,) lateral view, seen from the left,---------- 26

PLATE X.



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E. Crisand, lith. New Haven.

DINOCERAS LATICEPS, Marsh. ¼

PLATE XI.

PLATE XI.

DINOCERATA.

Skull of DINOCERAS LATICEPS, Marsh.

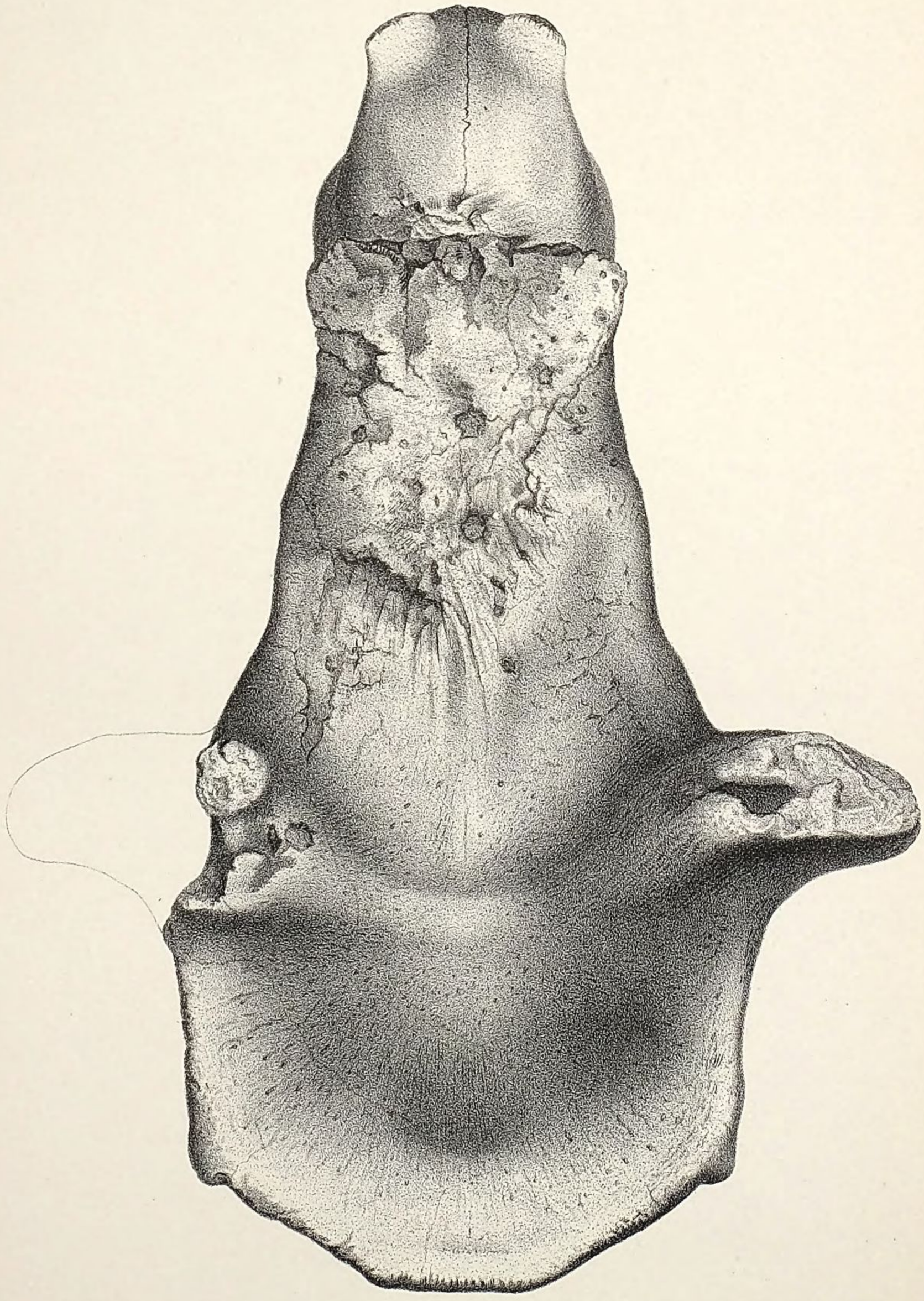
One-fourth Natural Size.

Page.

Skull; (No. 1039,) superior view, ---------- 26

PLATE XI.

F. Berger, del.



DINOCERAS LATICEPS, Marsh. ¼.

E. Orisand, lith. New Haven.

PLATE XII.

PLATE XII.

DINOCERATA.

Lower jaw of DINOCERAS LATICEPS, Marsh.

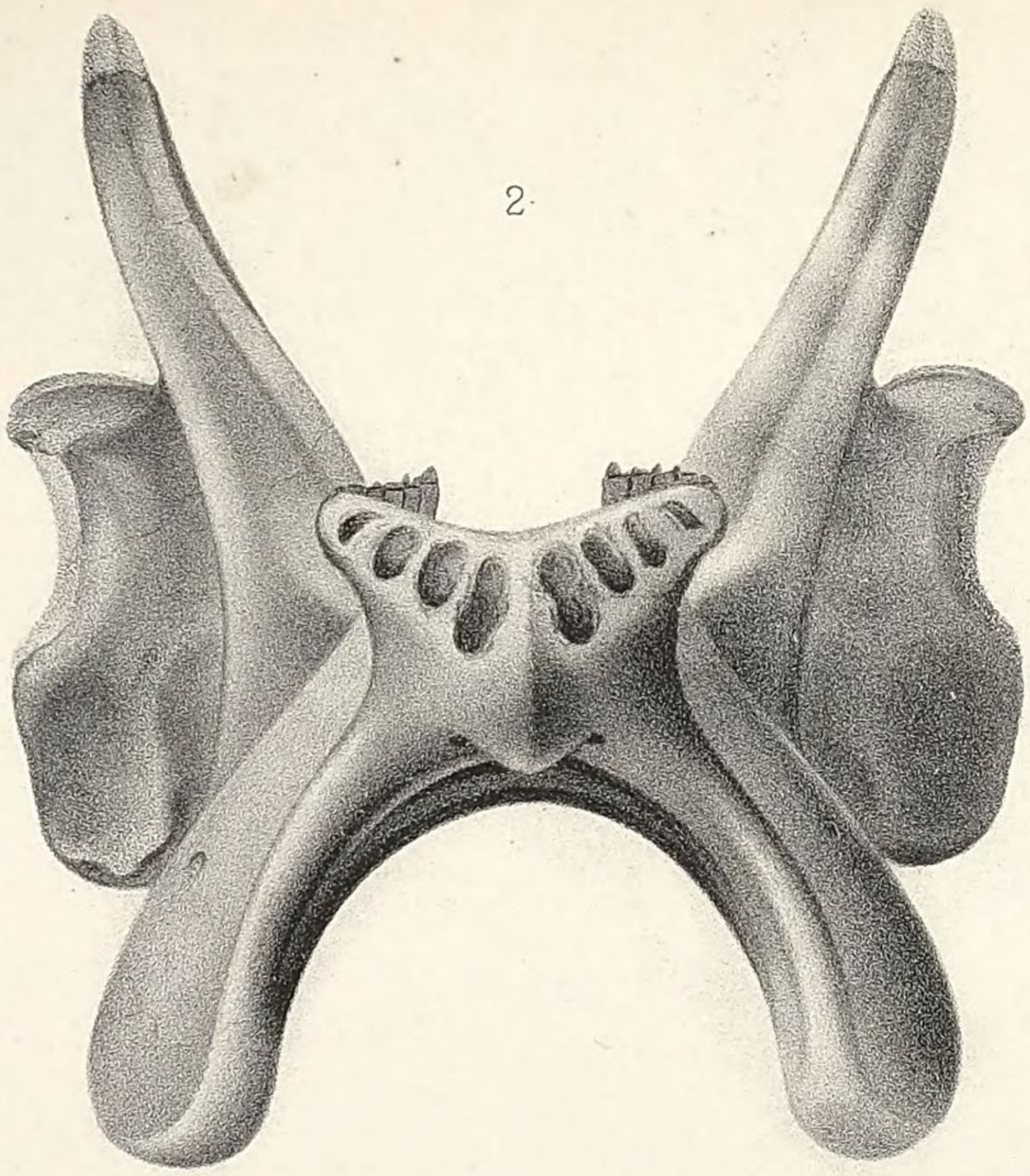
One-third Natural Size.

Page.

FIG. 1.—Lower jaw; (No. 1039,) superior view, ---------- 35

FIG. 2.—The same; front view, ---------- 35

2



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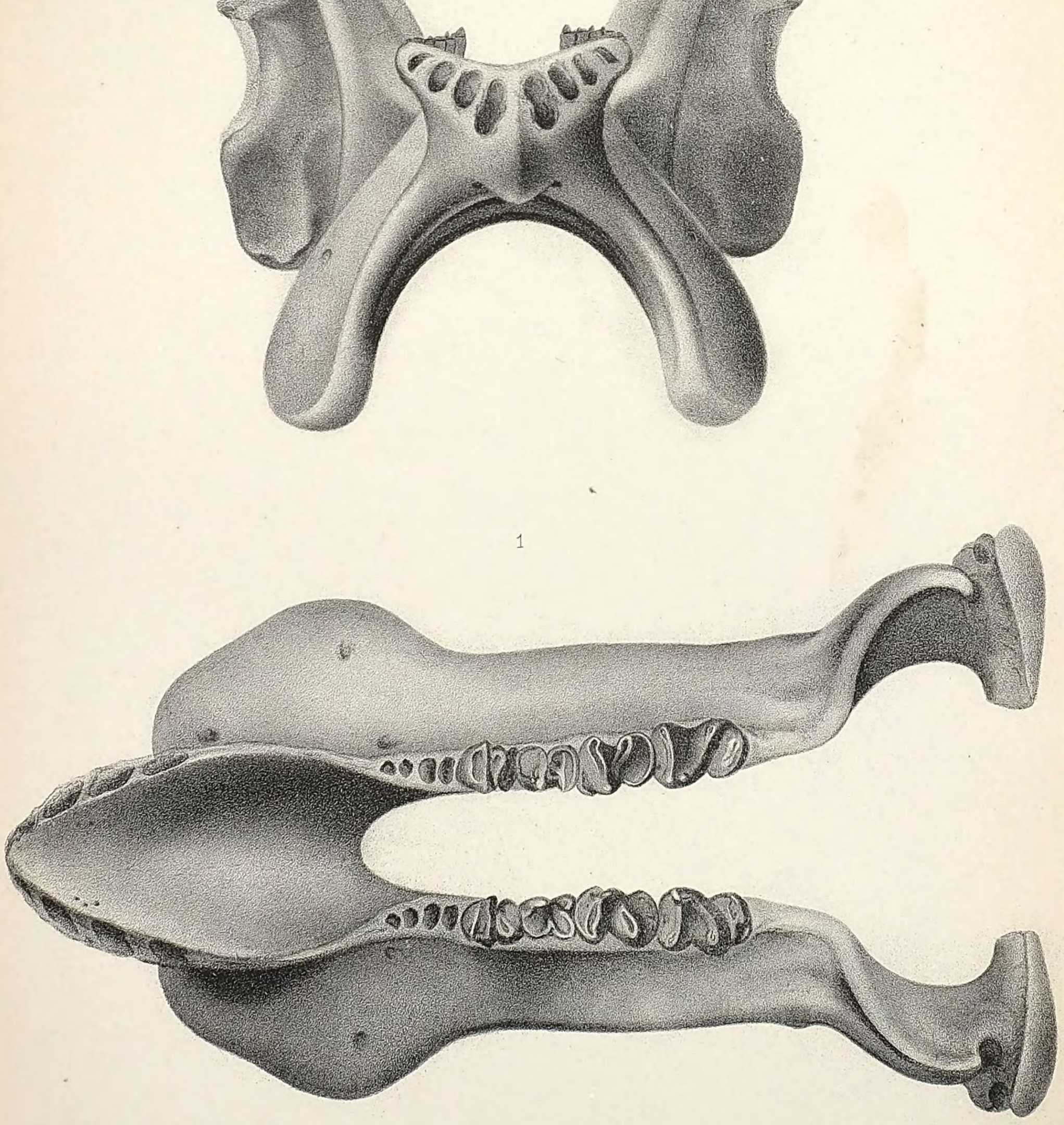


E. Crisand, del.

E. Crisand, lith. New Haven.

DINOCERAS LATICEPS, Marsh. 1/3.

PLATE XIII.

PLATE XIII.

DINOCERATA.

Lower jaw of DINOCERAS LATICEPS, Marsh.

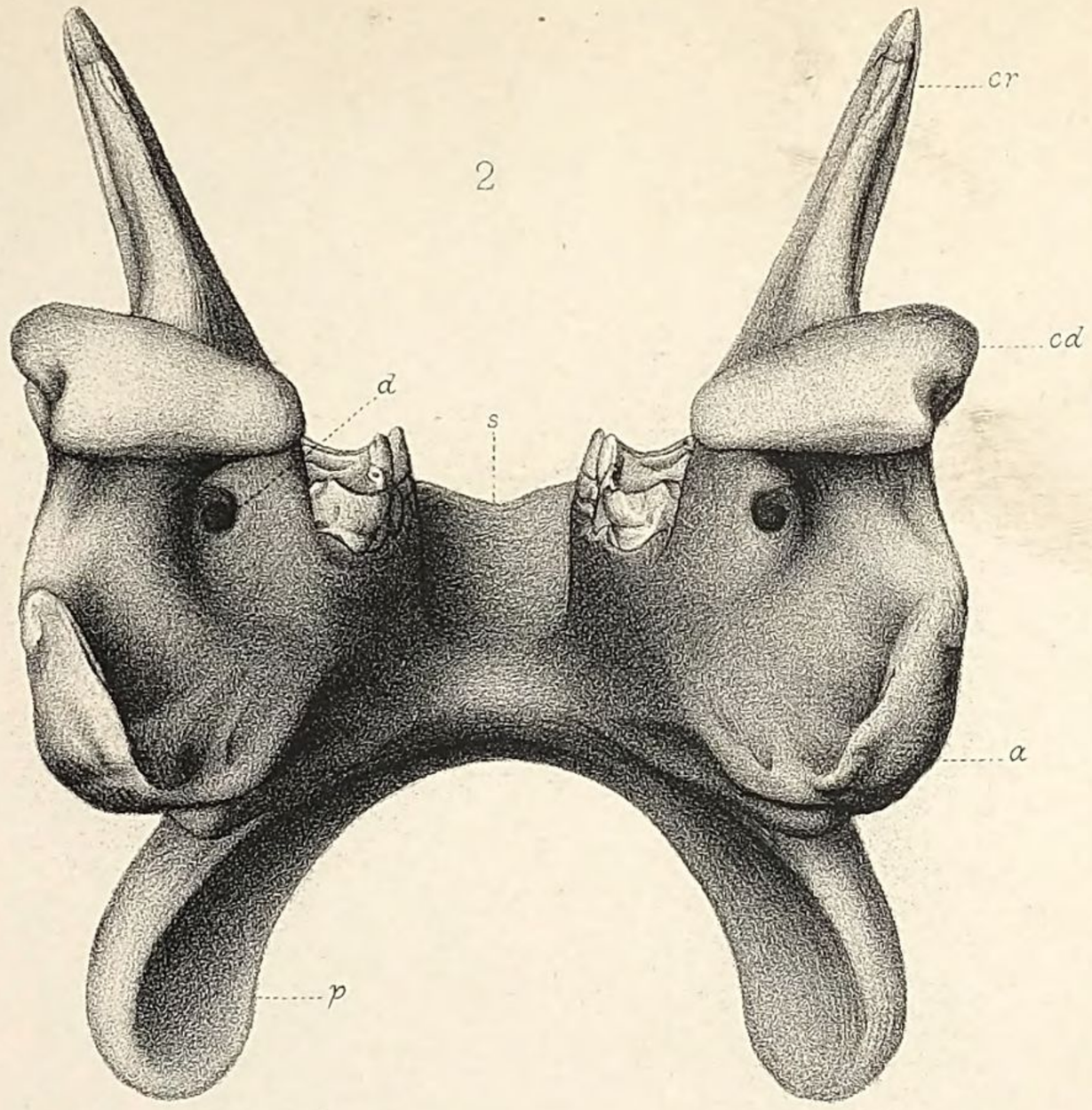
One-third Natural Size.

FIG. 1.—Lower jaw; (No. 1039,) seen from the left, ... 35

FIG. 2.—Lower jaw; posterior view, ... 35

c —Socket for canine tooth.
m—Mental foramen.
p —Process for protection of canine tusk.
a —Angle of jaw.
cd—Condyle.
cr—Coronoid process.
d —Dental foramen.
s —Symphysis.

2



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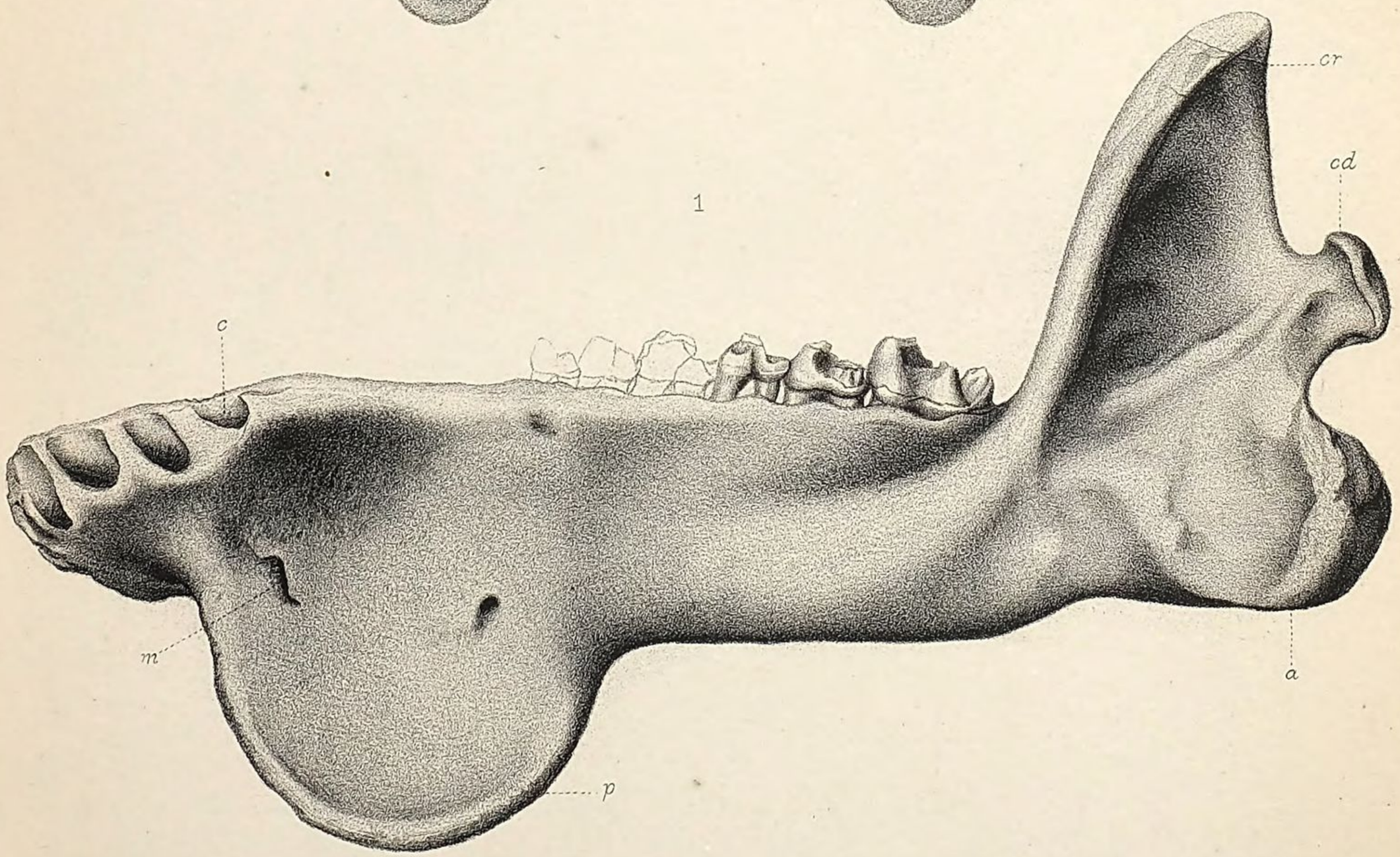


F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS LATICEPS, Marsh. 1/3.

PLATE XIV.

PLATE XIV.

DINOCERATA.

Skull of DINOCERAS LATICEPS, Marsh, (female.)

One-fourth Natural Size.

FIG. 1.—Skull; (No. 1202,) lateral view, seen from the left ---------- 45

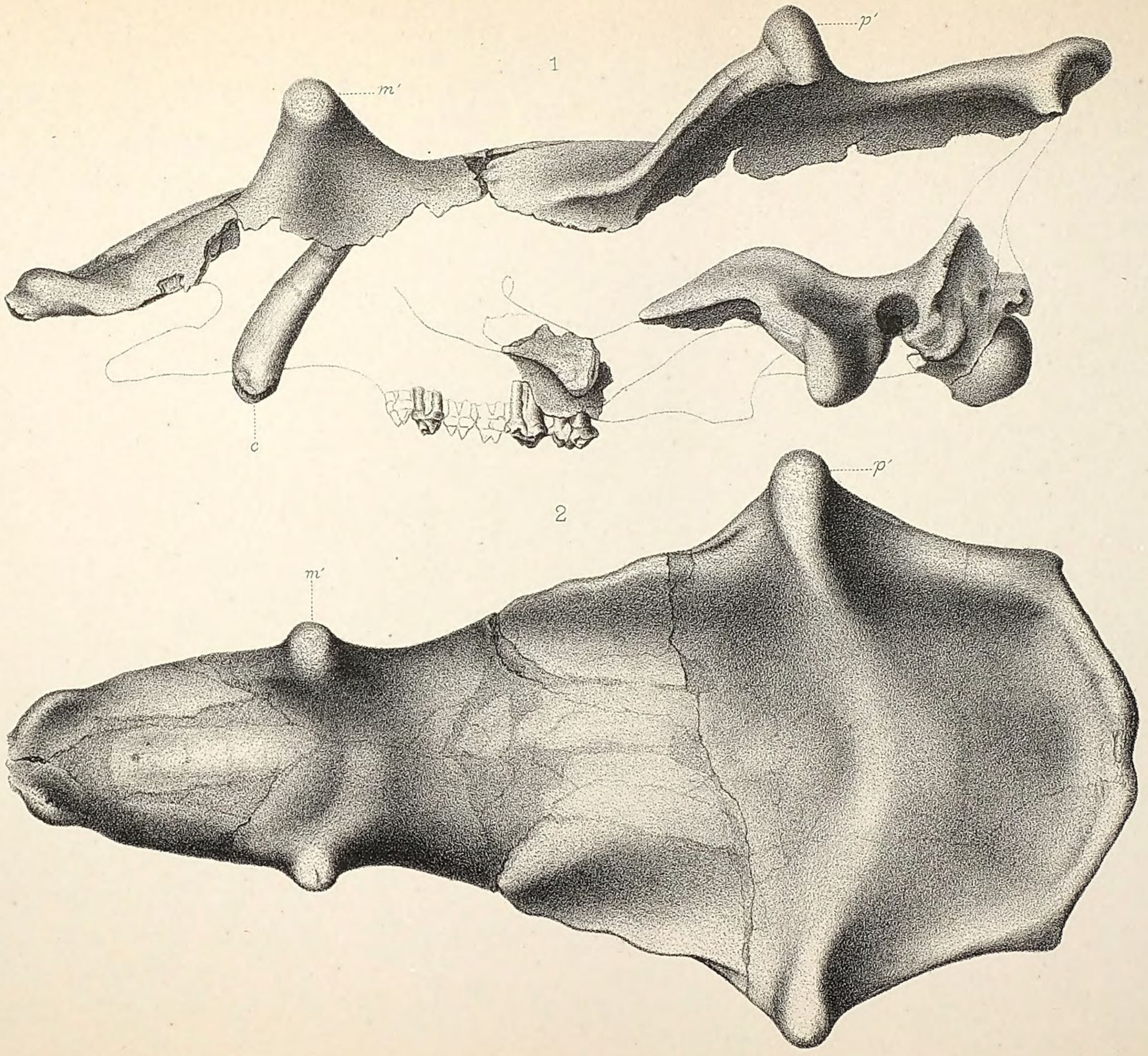
FIG. 2.—The same; superior view, ---------- 45

c —Canine tusk.

m'—Maxillary protuberance.

p' —Posterior protuberance.

PLATE XIV.



F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS LATICEPS, Marsh. ¼.

PLATE XV.

PLATE XV.

DINOCERATA.

Skull of TINOCERAS INGENS, **Marsh.**

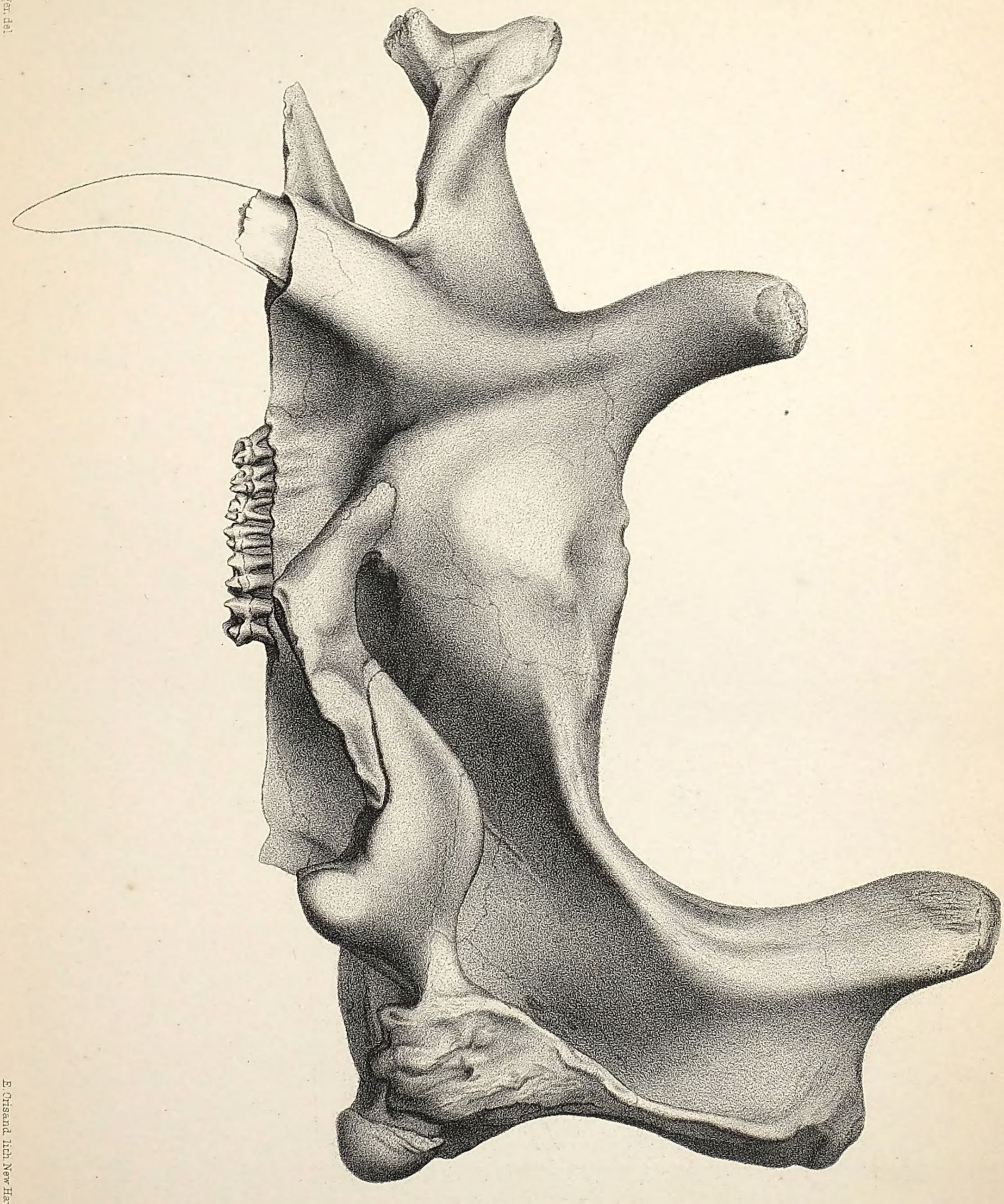
One-fourth Natural Size.

Page.

Skull; type specimen, (No. 1041,) lateral view, seen from the left,---------- 14

PLATE XV.

F. Berger. del.



TINOCERAS INGENS, Marsh. ¼.

E. Crisand. lith. New Haven.

PLATE XVI.

PLATE XVI.

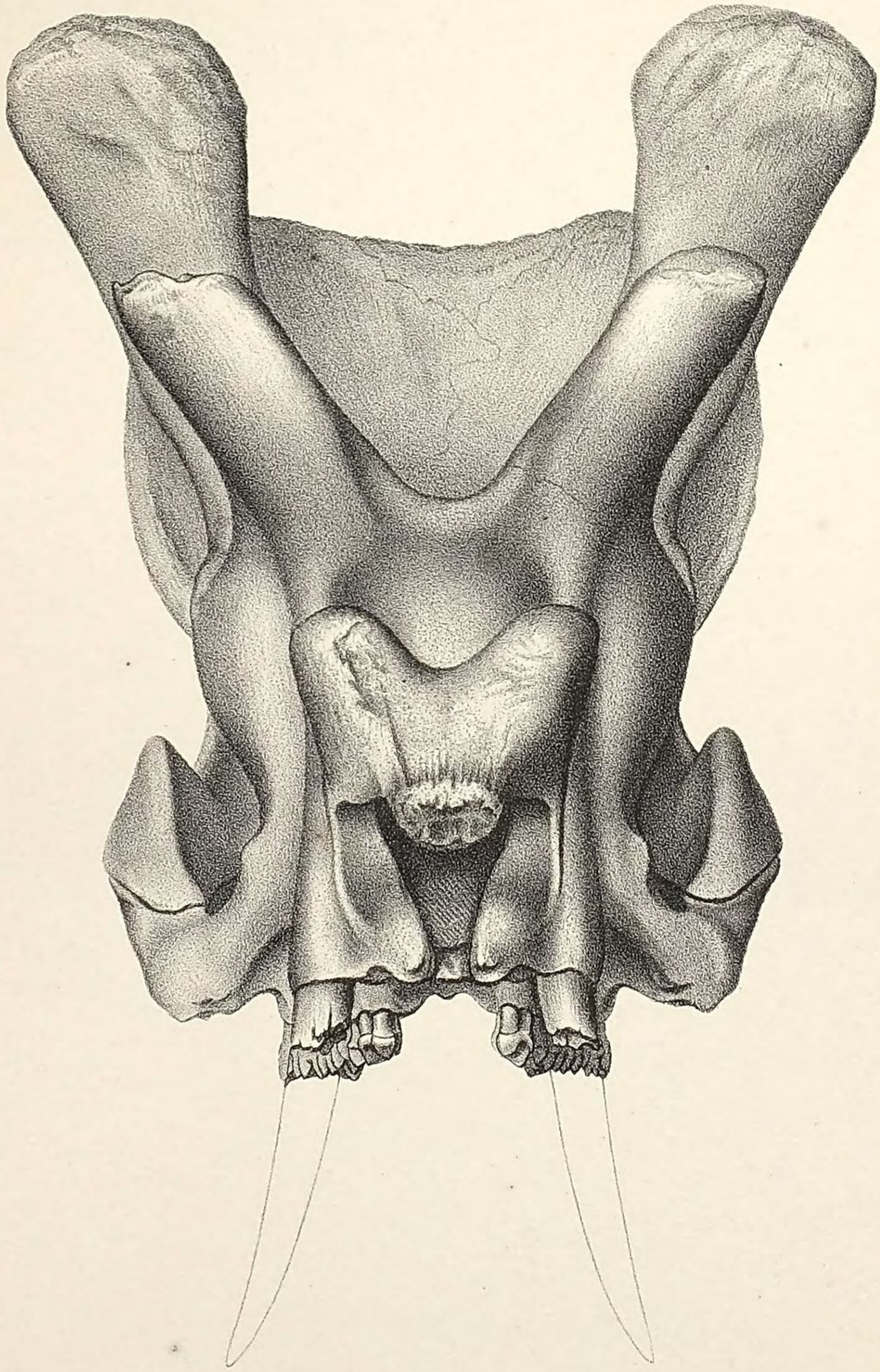
DINOCERATA.

Skull of TINOCERAS INGENS, Marsh.

One-fourth Natural Size.

Page.

Skull; (No. 1041,) front view, ... 14



F Berger, del.,

E. Orisand, lith. New Haven.

TINOCERAS INGENS, Marsh. ¼.

PLATE XVII.

PLATE XVII.

DINOCERATA.

Skull of TINOCERAS INGENS, Marsh.

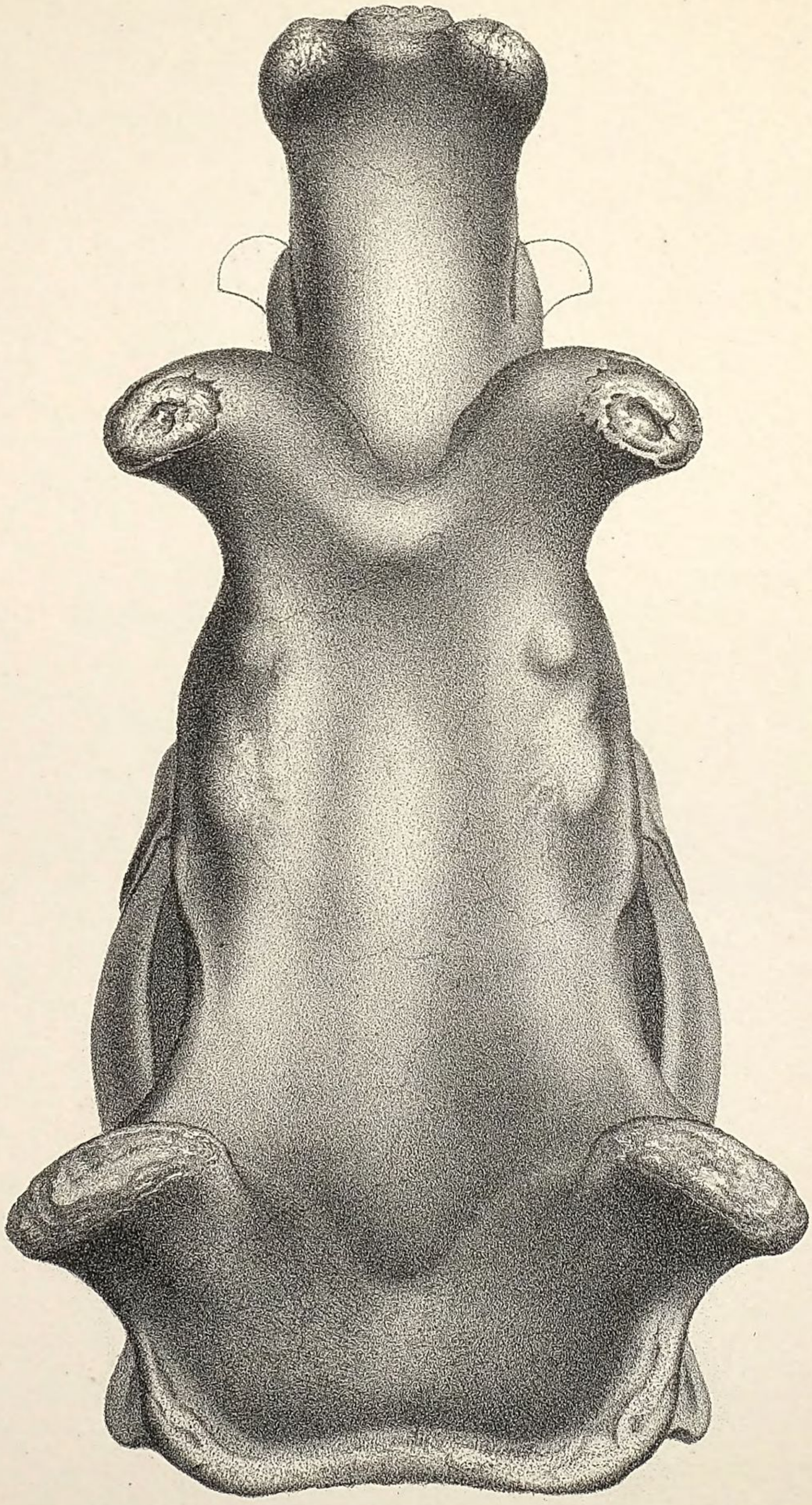
One-fourth Natural Size.

Page.

Skull; (No. 1041,) superior view, ---------- 16

PLATE XVII.

F. Berger, del.



TINOCERAS INGENS, Marsh. 1/4.

E. Orisand, lith New Haven.

PLATE XXI.

PLATE XXI.

DINOCERATA.

Axis of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

FIG. 1.—Axis, lateral view, seen from the left, ... 72

FIG. 2.—The same; superior view, ... 72

FIG. 3.—The same; anterior view, ... 72

FIG. 4.—The same; inferior view, ... 72

FIG. 5.—The same; posterior view, ... 72

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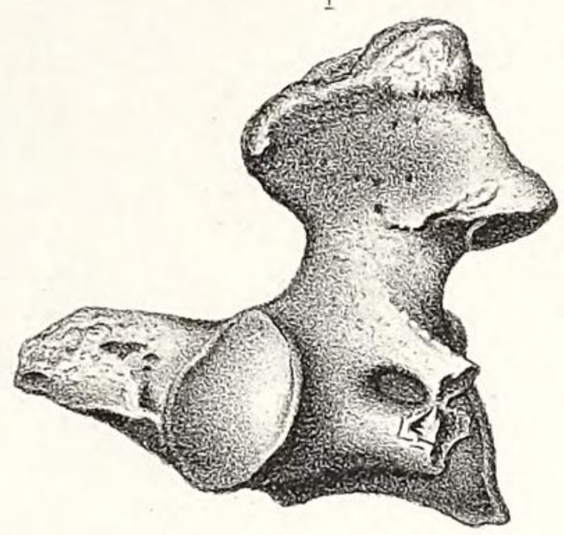

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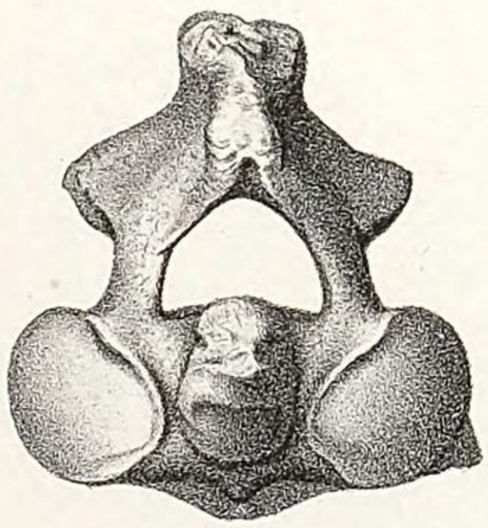

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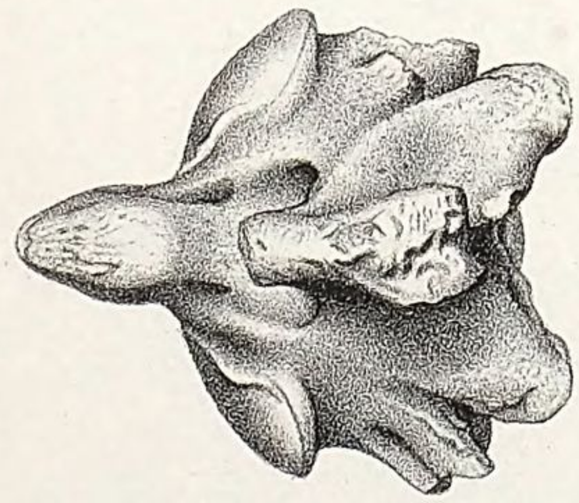

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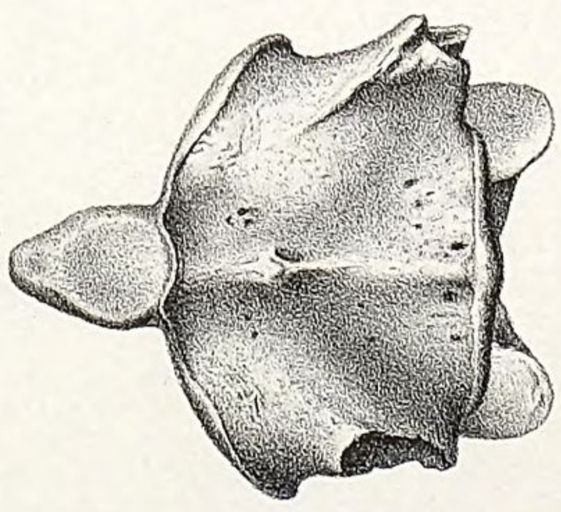

F Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXII.

PLATE XXII.

DINOCERATA.

Cervical Vertebræ of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

FIG. 1.—Third cervical vertebra; lateral view, seen from the left, ---- 74

FIG. 2.—The same; superior view, ---- 74

FIG. 3.—The same; anterior view, ---- 74

FIG. 4.—The same; inferior view, ---- 74

FIG. 5.—The same; posterior view, ---- 74

FIG. 6.—Seventh cervical vertebra; lateral view, seen from the left, ---- 78

FIG. 7.—The same; superior view, ---- 78

FIG. 8.—The same; anterior view, ---- 78

FIG. 9.—The same; inferior view, ---- 78

FIG. 10.—The same; posterior view, ---- 78

PLATE XXII.

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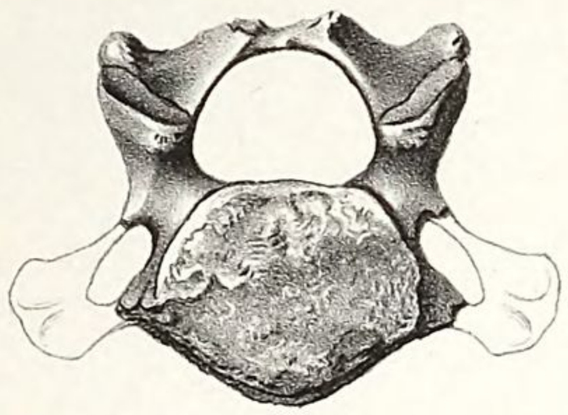

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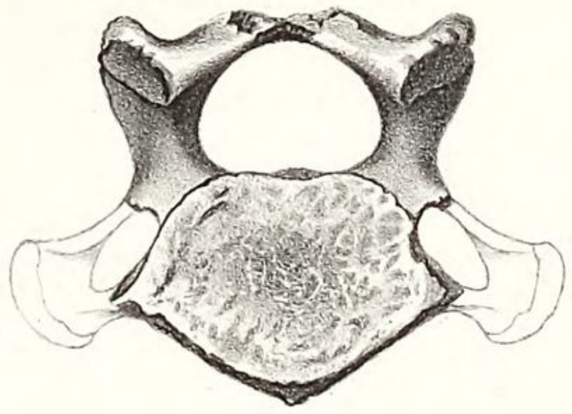

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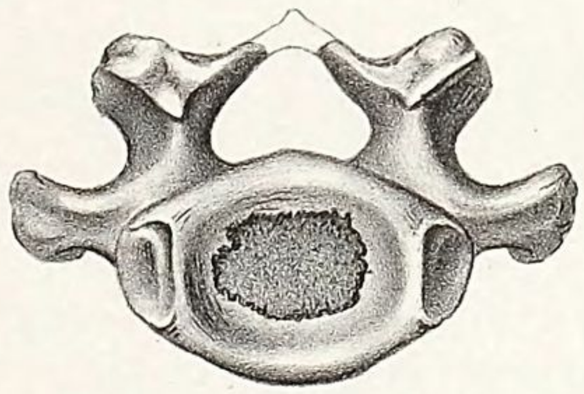

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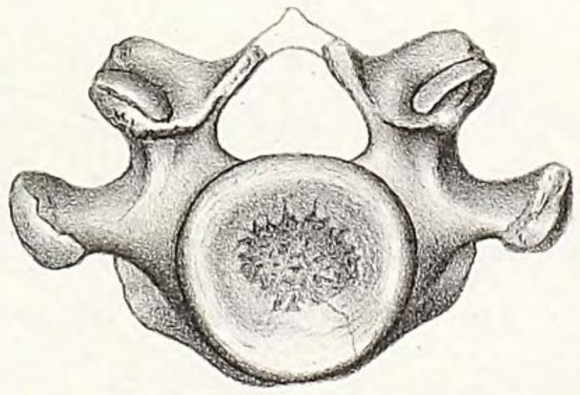

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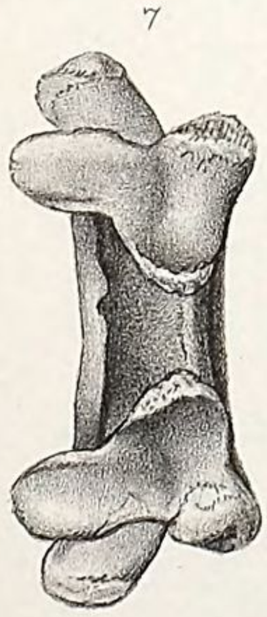

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F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXIII.

PLATE XXIII.

DINOCERATA.

Dorsal Vertebra of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

FIG. 1.—Second dorsal vertebra; lateral view, seen from the left, ---------- 82

FIG. 2.—The same; superior view,---------- 82

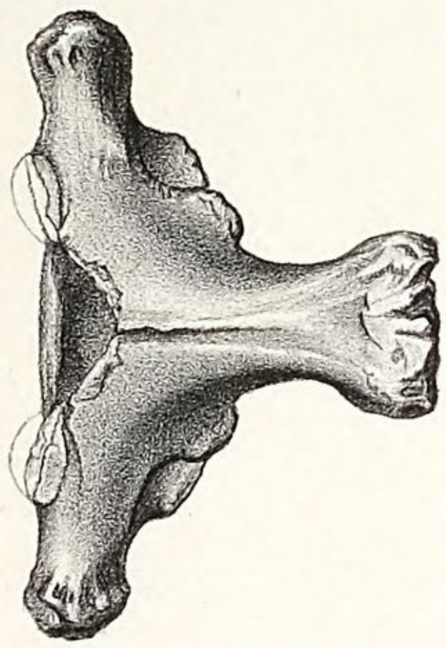
FIG. 3.—The same; anterior view, ---------- 82

FIG. 4.—The same; inferior view, ---------- 82

FIG. 5.—The same; posterior view, ---------- 82

PLATE XXIII.

2



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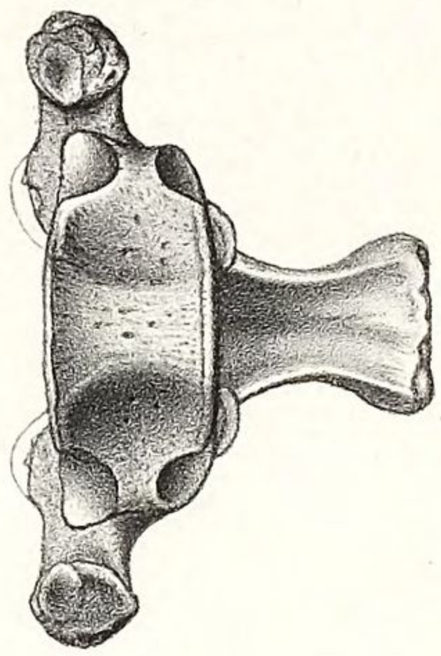

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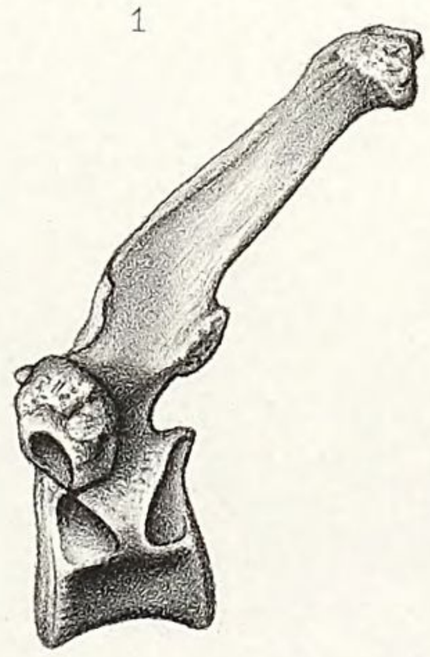

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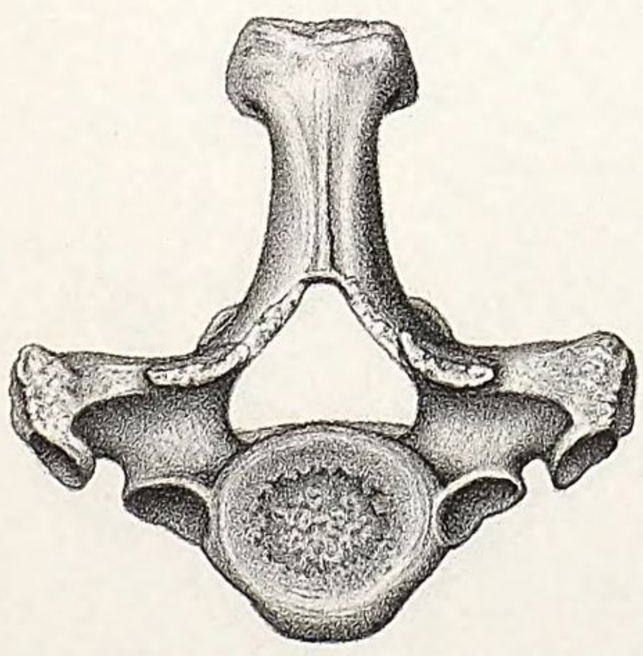

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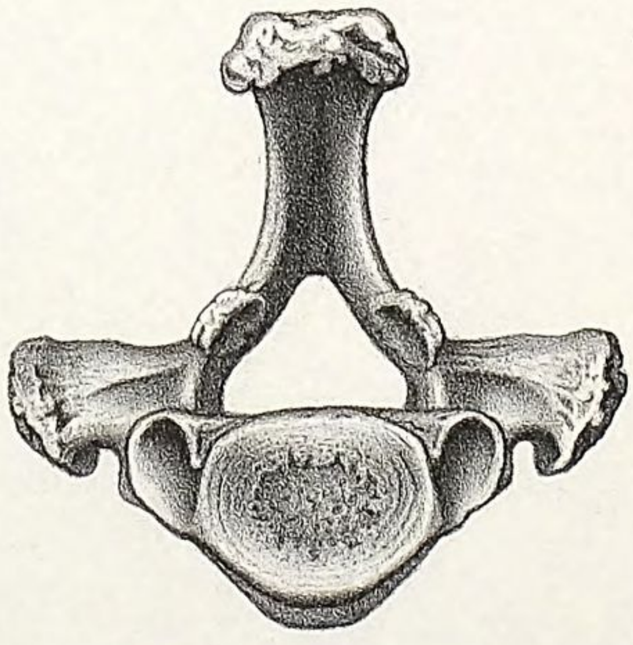

F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXIV.

PLATE XXIV.

DINOCERATA.

Dorsal Vertebræ of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

FIG. 1.—Median dorsal vertebra; lateral view, seen from the left, ---- 84

FIG. 2.—The same; anterior view, ---- 84

FIG. 3.—The same; inferior view, ---- 84

FIG. 4.—The same; posterior view, ---- 84

FIG. 5.—Last dorsal vertebra; lateral view, seen from the left, ---- 84

FIG. 6.—The same; superior view, ---- 84

FIG. 7.—The same; anterior view, ---- 84

FIG. 8.—The same; inferior view, ---- 84

FIG. 9.—The same; posterior view, ---- 84

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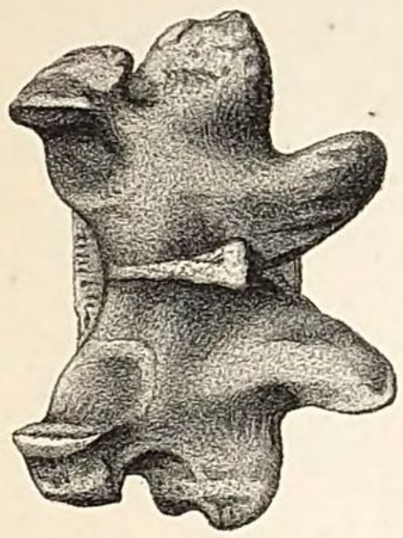

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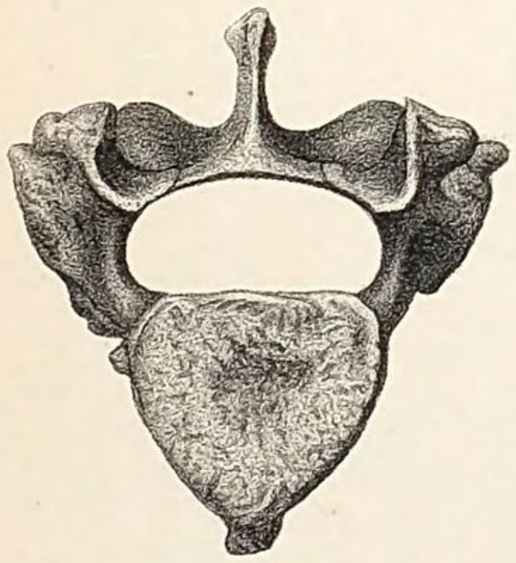

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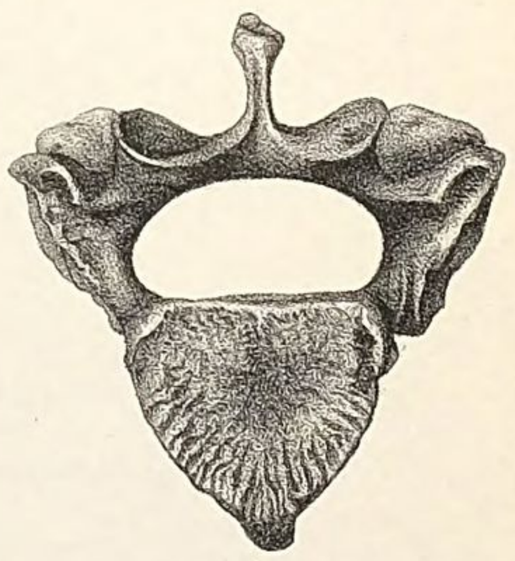

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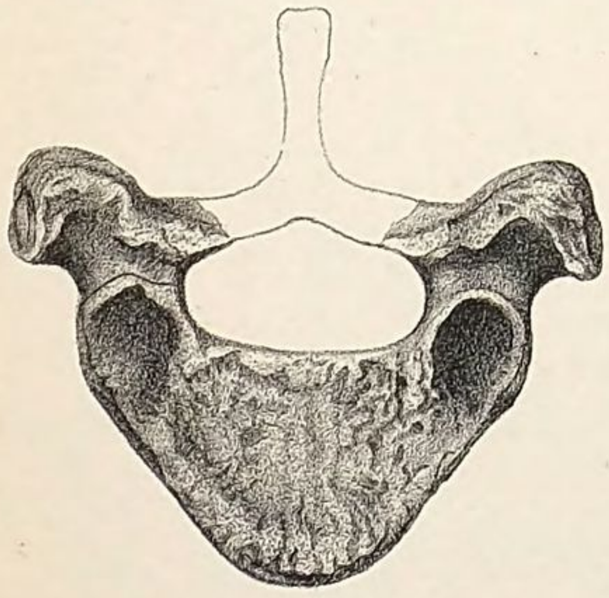

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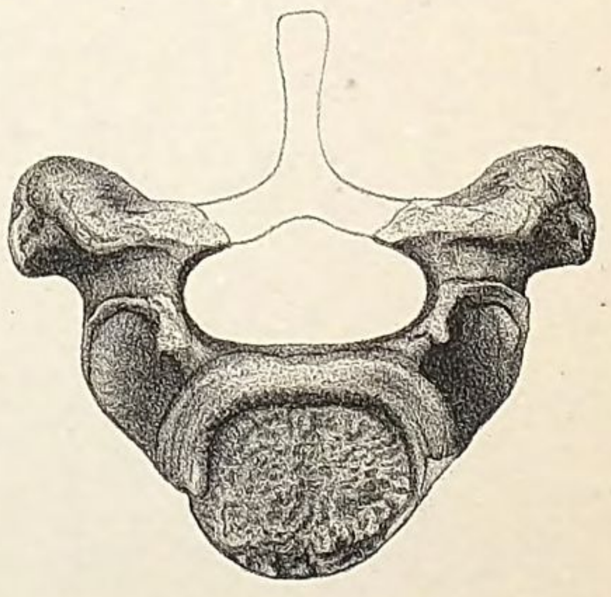


F. Berger, del

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXV.

PLATE XXV.

DINOCERATA.

Lumbar Vertebræ of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

FIG. 1.—Lumbar vertebra, fourth from sacrum; lateral view, ---- 85

FIG. 2.—The same; superior view, ---- 85

FIG. 3.—The same; anterior view, ---- 85

FIG. 4.—The same; inferior view, ---- 85

FIG. 5.—The same; posterior view, ---- 85

FIG. 6.—Lumbar vertebra, third from sacrum; lateral view, ---- 85

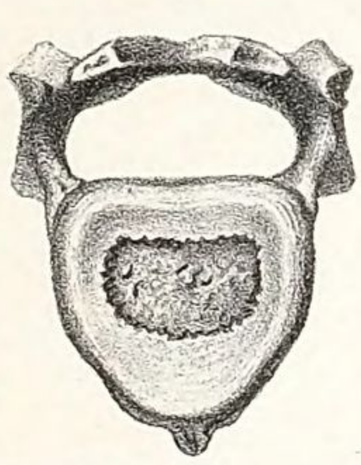
FIG. 7.—The same; superior view, ---- 85

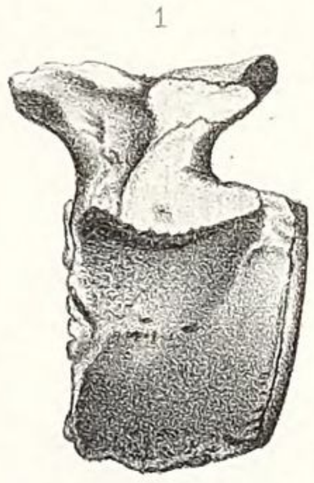
FIG. 8.—The same; anterior view, ---- 85

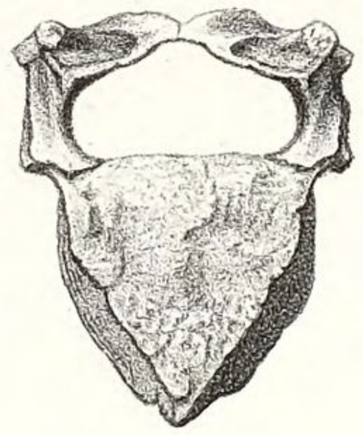
FIG. 9.—The same; inferior view, ---- 85

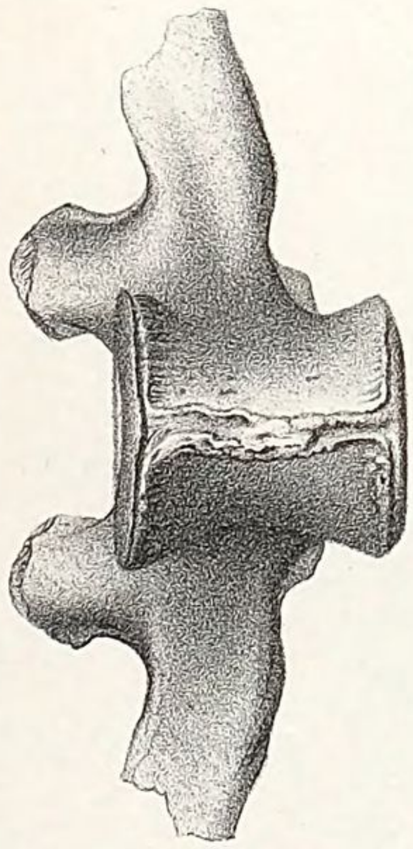
FIG. 10.—The same; posterior view, ---- 85

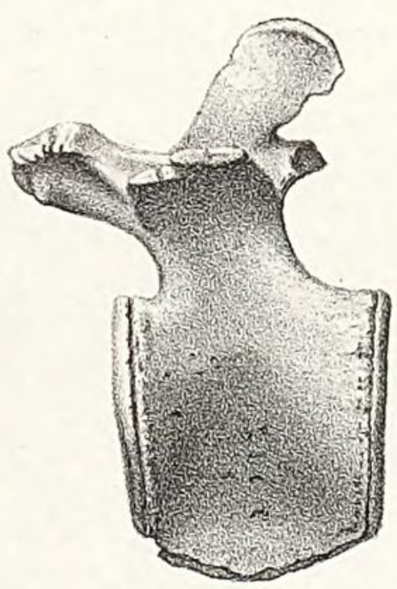
PLATE XXV.

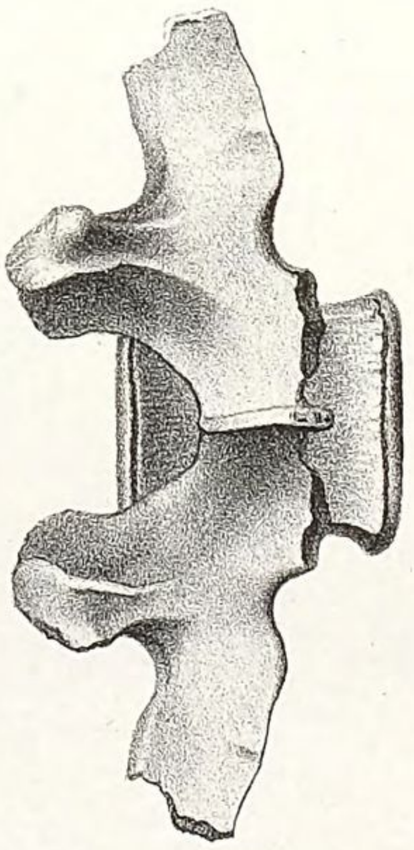


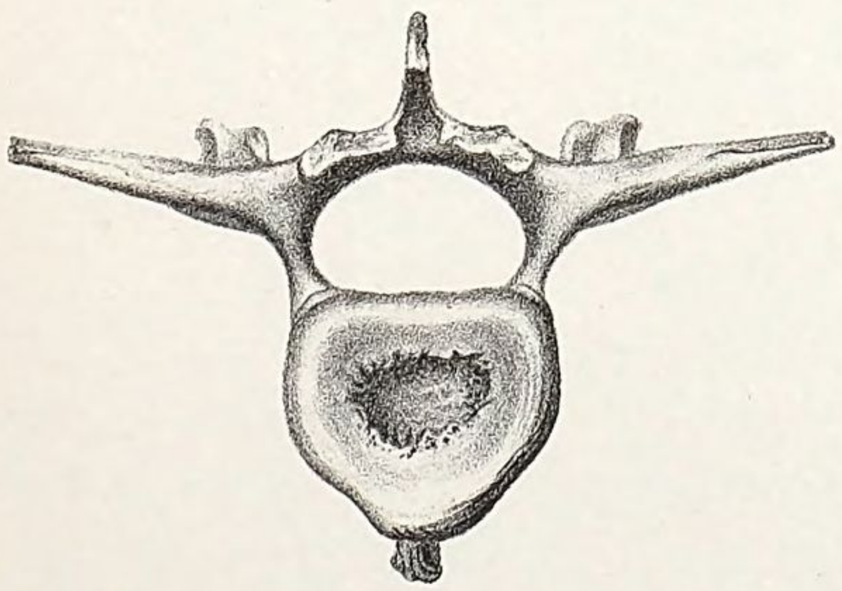


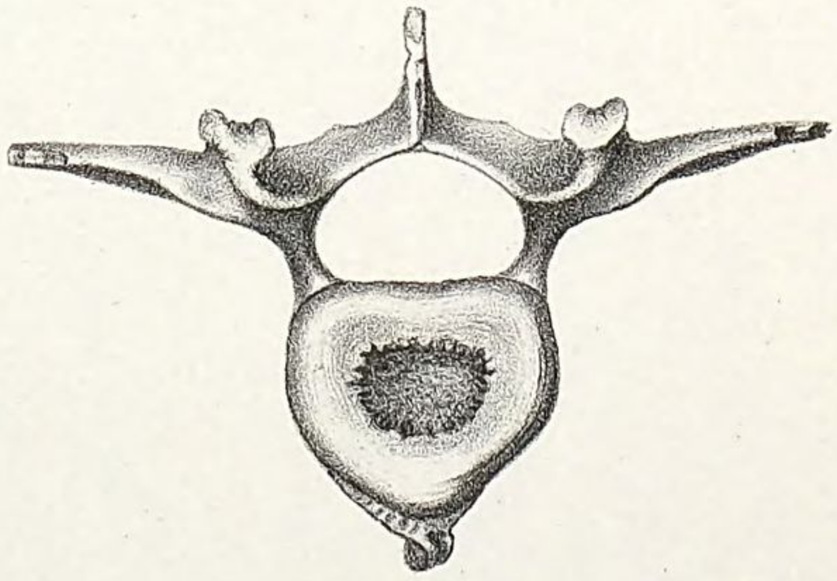












F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXVI.

PLATE XXVI.

DINOCERATA.

Lumbar Vertebræ of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

FIG. 1.—Lumbar vertebra, second from sacrum; lateral view, seen from the left, ... 85

FIG. 2.—The same; superior view, ... 85

FIG. 3.—The same; anterior view, ... 85

FIG. 4.—The same; inferior view, ... 85

FIG. 5.—The same; posterior view, ... 85

FIG. 6.—Last lumbar vertebra; lateral view, seen from the left, ... 85

FIG. 7.—The same; superior view, ... 85

FIG. 8.—The same; anterior view, ... 85

FIG. 9.—The same; inferior view, ... 85

FIG. 10.—The same; posterior view, ... 85

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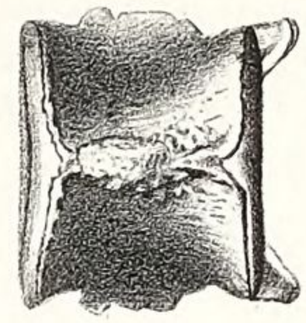

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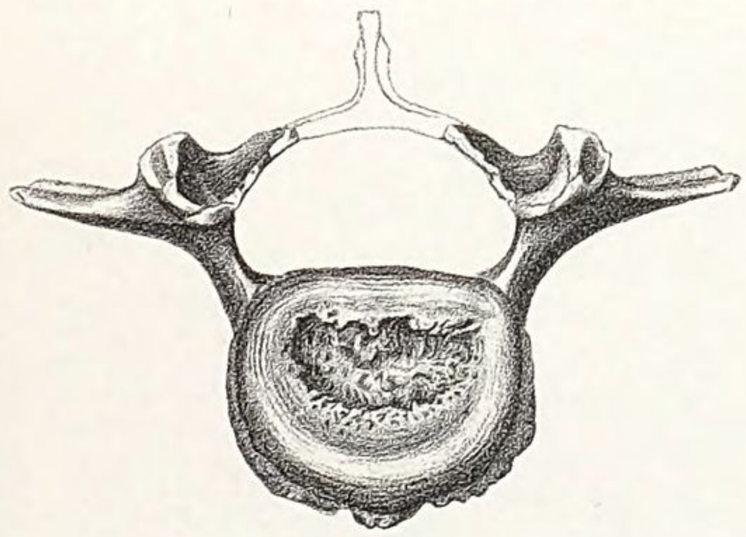

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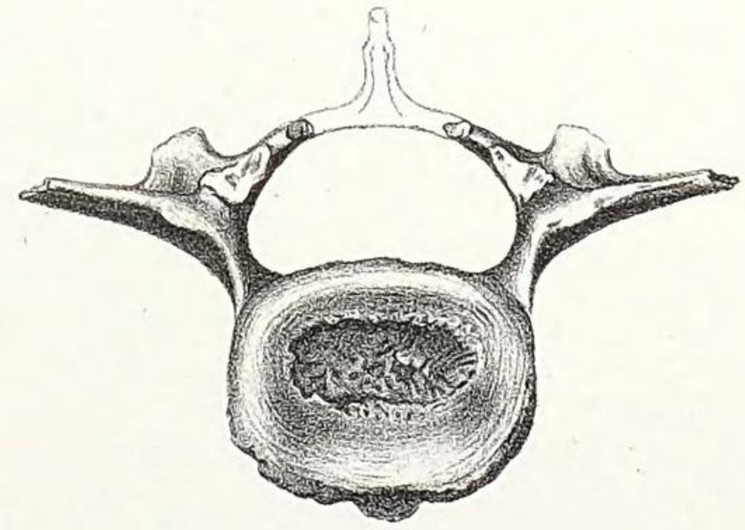

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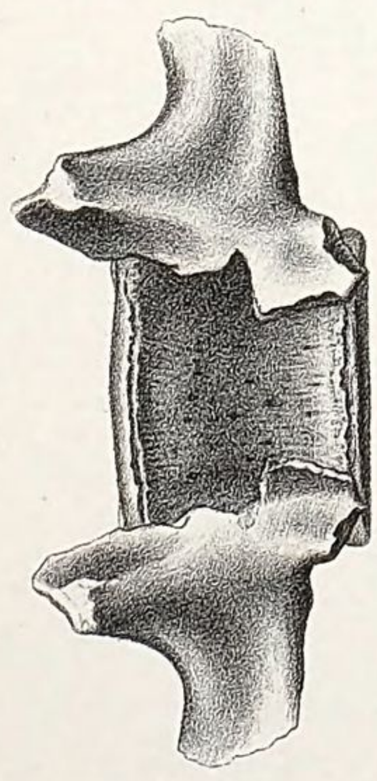

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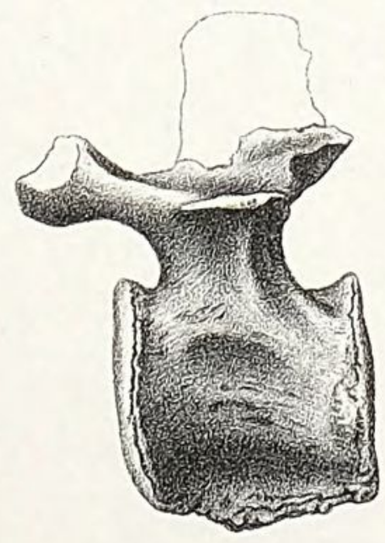

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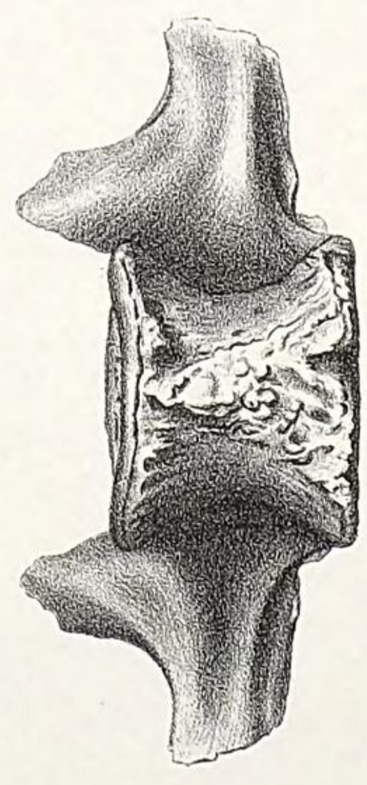


F Berger, del.

E. Crisand, lith New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXVII.

PLATE XXVII.

DINOCERATA.

Left Scapula of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

FIG. 1.—Scapula; exterior view, ... 87

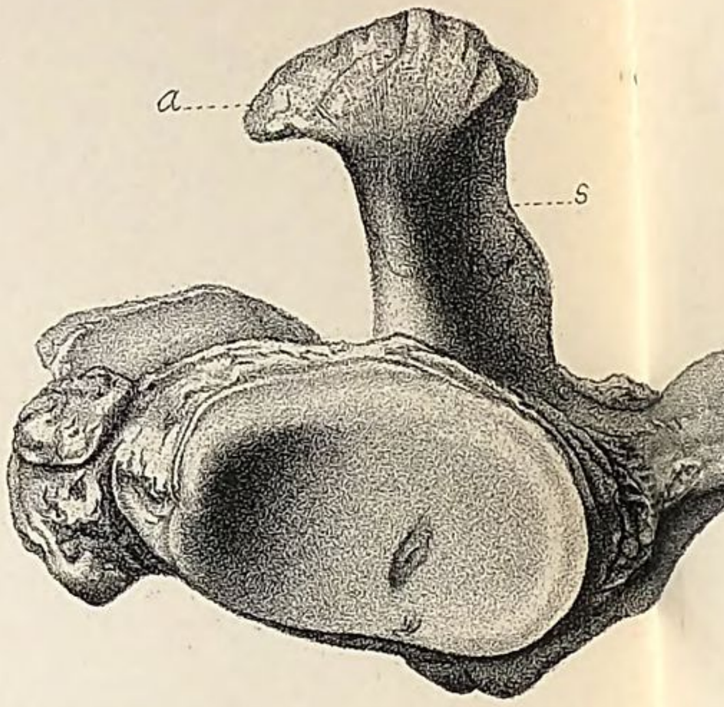
cb—Coracoid border.
c —Coracoid process.
gc—Glenoid cavity.
gb—Glenoid border.
ss —Suprascapular border.

FIG. 2.—The same; inner view, ... 87

FIG. 3.—The same; inferior view, ... 87

a —Acromion.
s —Spine.

3



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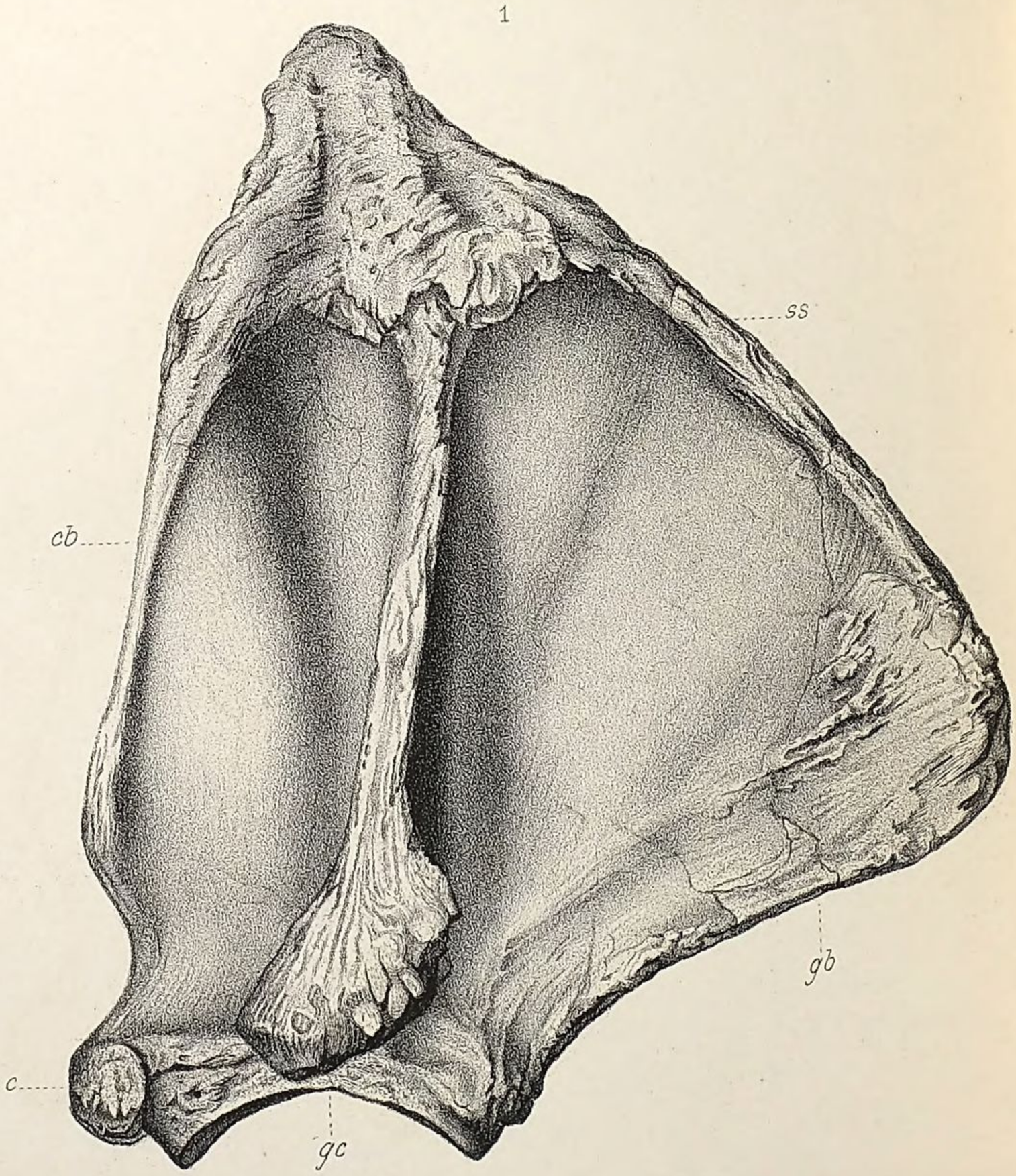
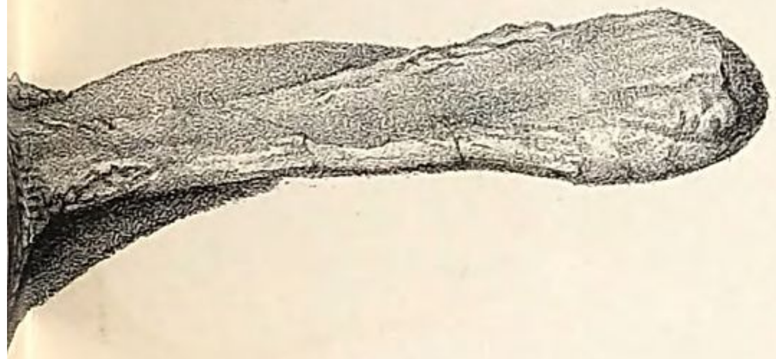


F Berger, del.

DINOCERAS



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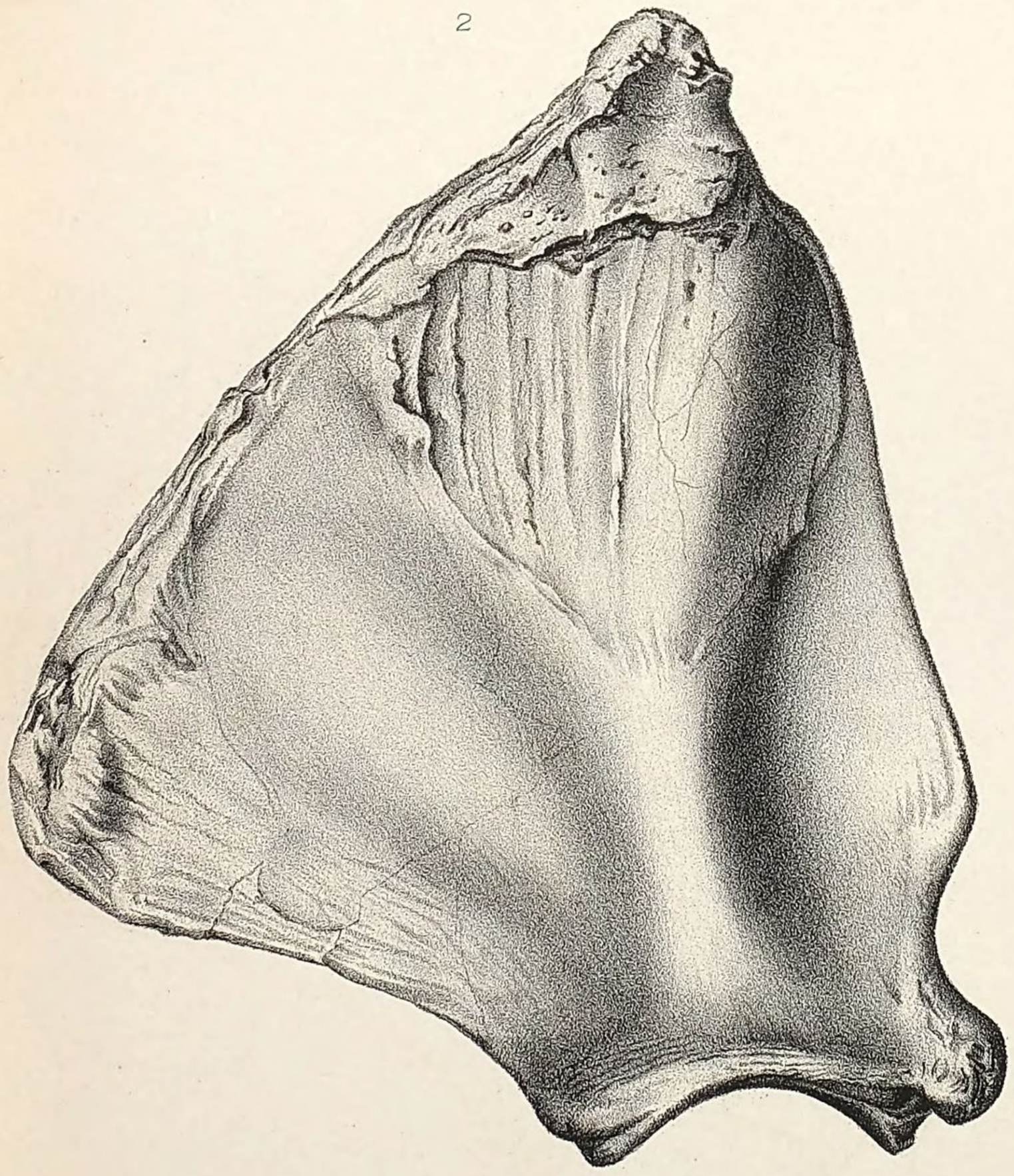

E. Crisand, lith. New Haven.

AS MIRABILE, Marsh. ¼.

PLATE XXVIII.

PLATE XXVIII.

DINOCERATA.

Humerus of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

FIG. 1.—Left Humerus; anterior view, ... 89
1*a*—Distal end.

FIG. 2.—The same; inner view, ... 89

FIG. 3.—The same; posterior view, ... 89
3*a*—Proximal end.

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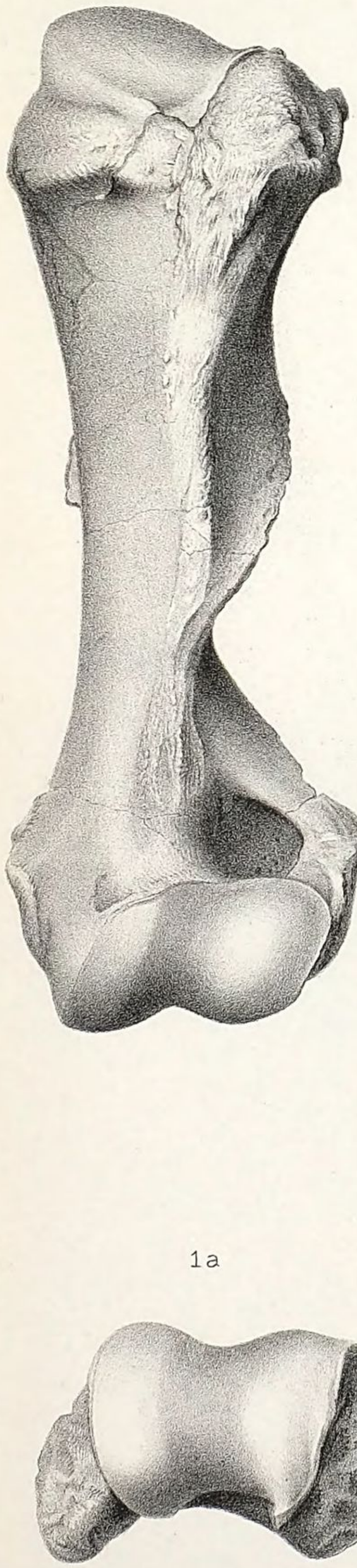

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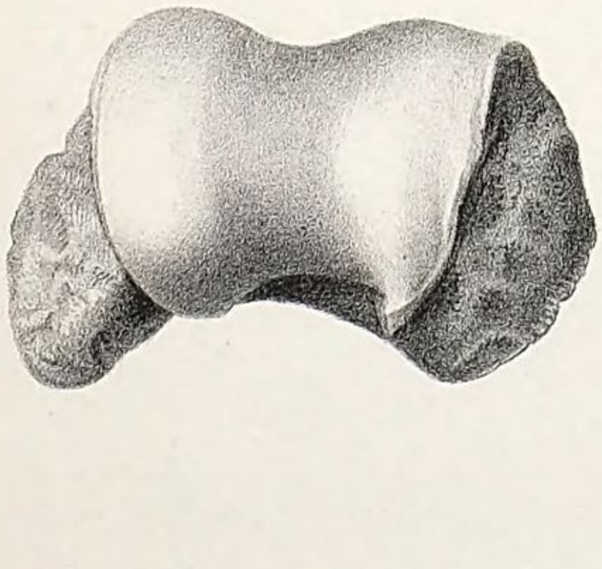

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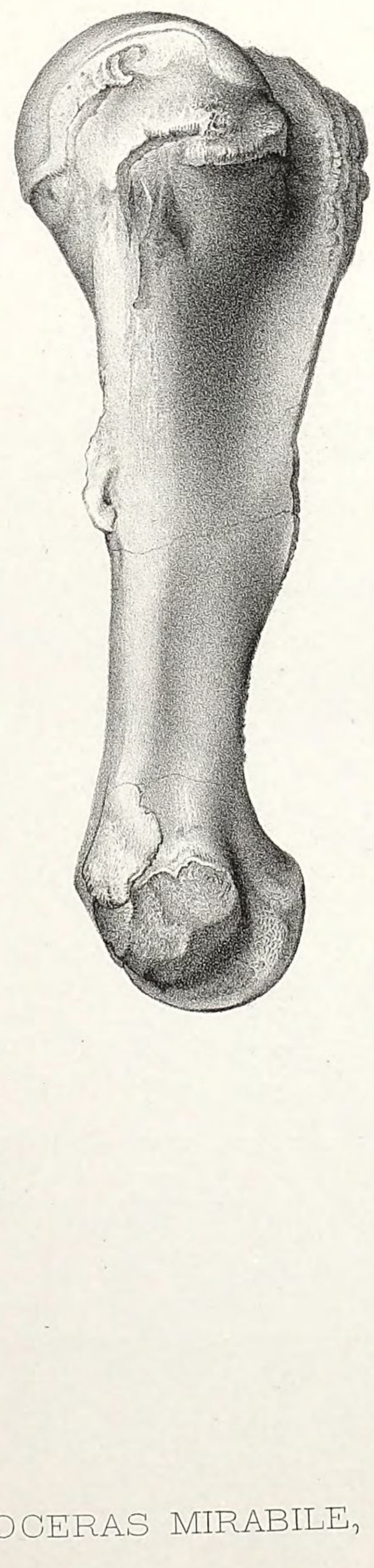

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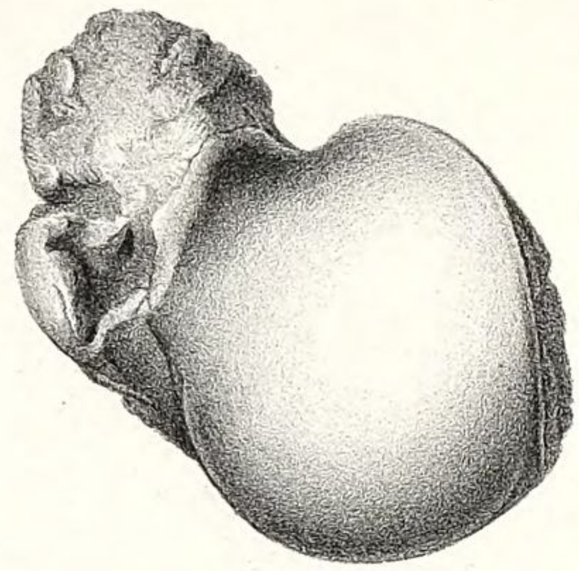

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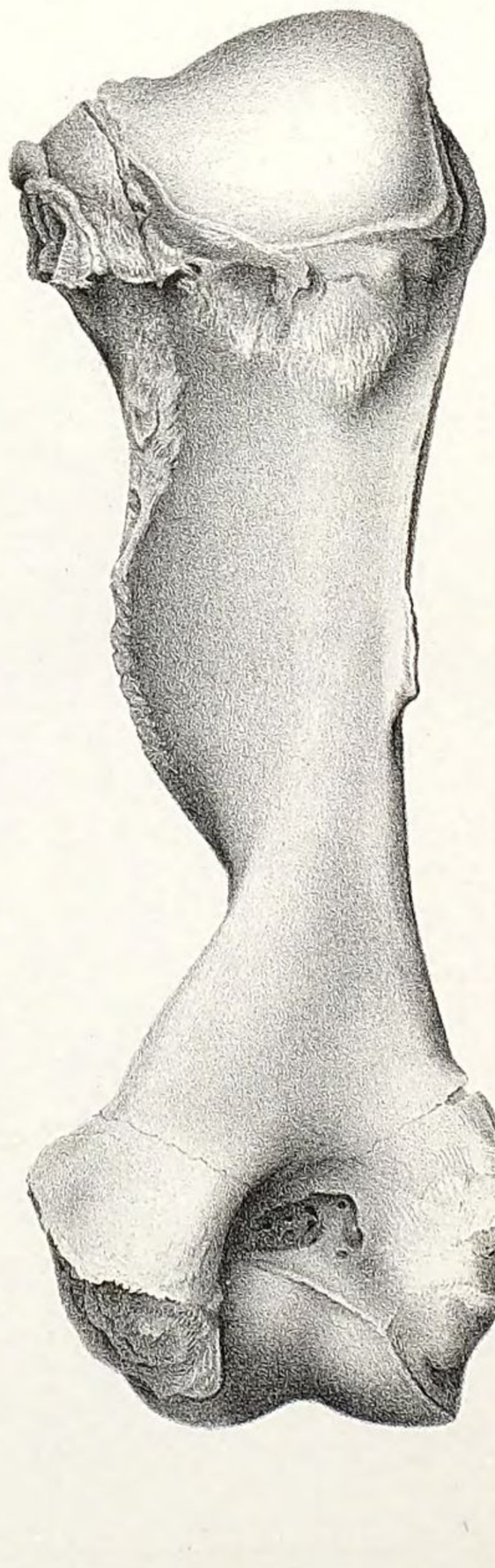


F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXIX.

PLATE XXIX.

DINOCERATA.

Radius of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

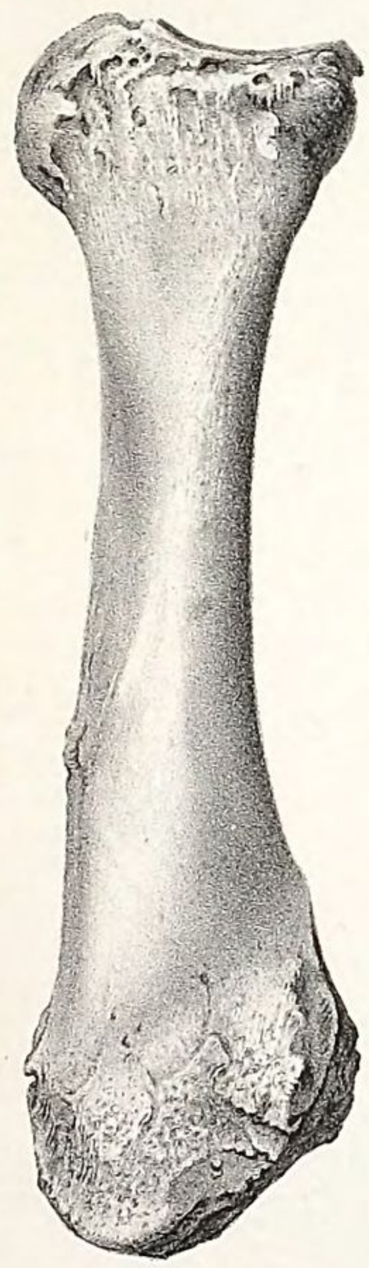
FIG. 1.—Left Radius; anterior view, ... 93
1*a*—Distal end.

FIG. 2.—The same; inner view, ... 93

FIG. 3.—The same; posterior view, showing surface applied to ulna, ... 93
3*a*—Proximal end.

FIG. 4.—The same; exterior view, ... 93

1



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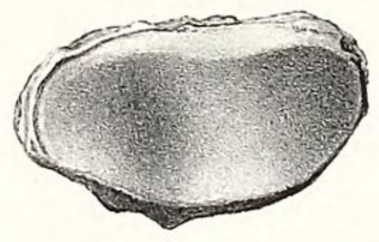

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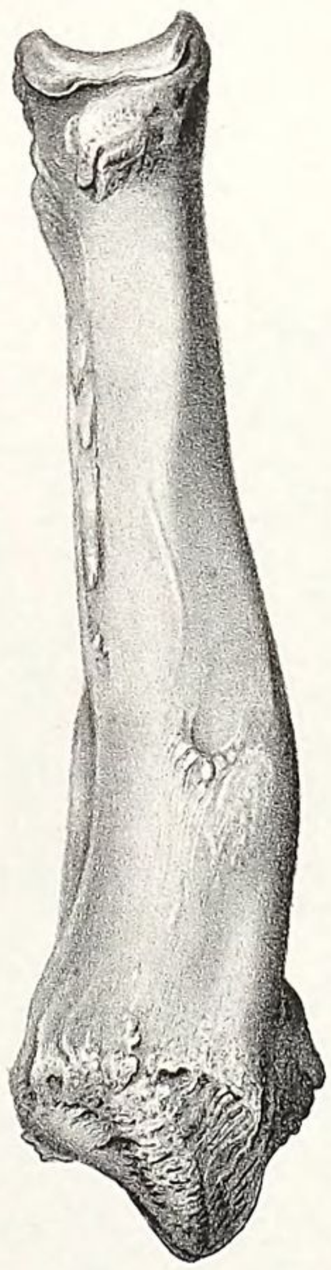

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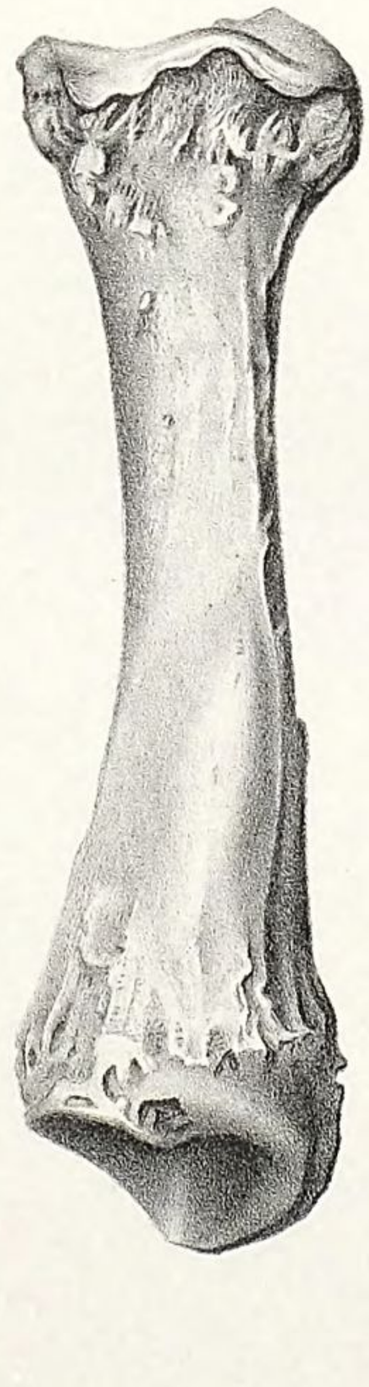

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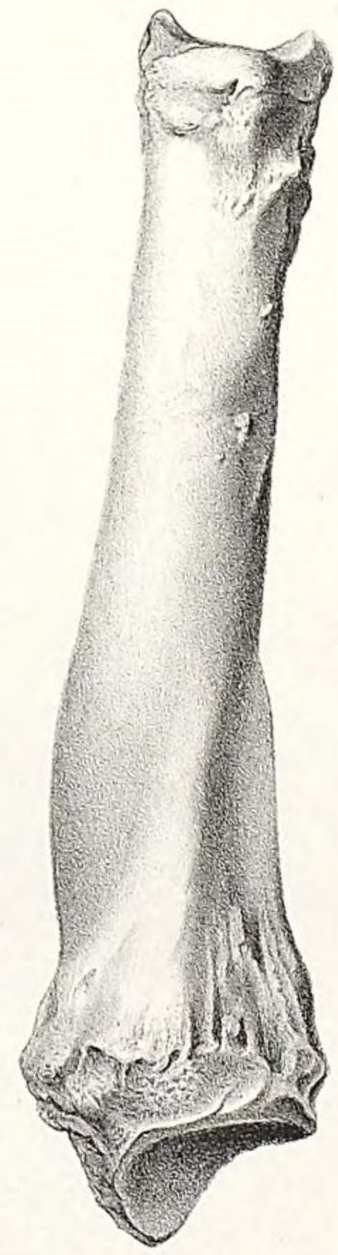

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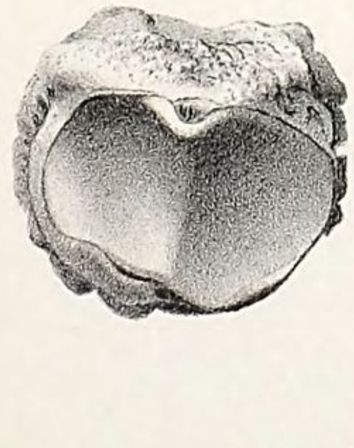

F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXX.

PLATE XXX.

DINOCERATA.

Ulna of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

FIG. 1.—Left Ulna; anterior view, showing radial surface, ---------- 96
1*a*—Distal end.

FIG. 2.—The same; inner view, ---------- 96

FIG. 3.—The same; posterior view, ---------- 96

FIG. 4.—The same; outer view, ---------- 96

PLATE XXX.

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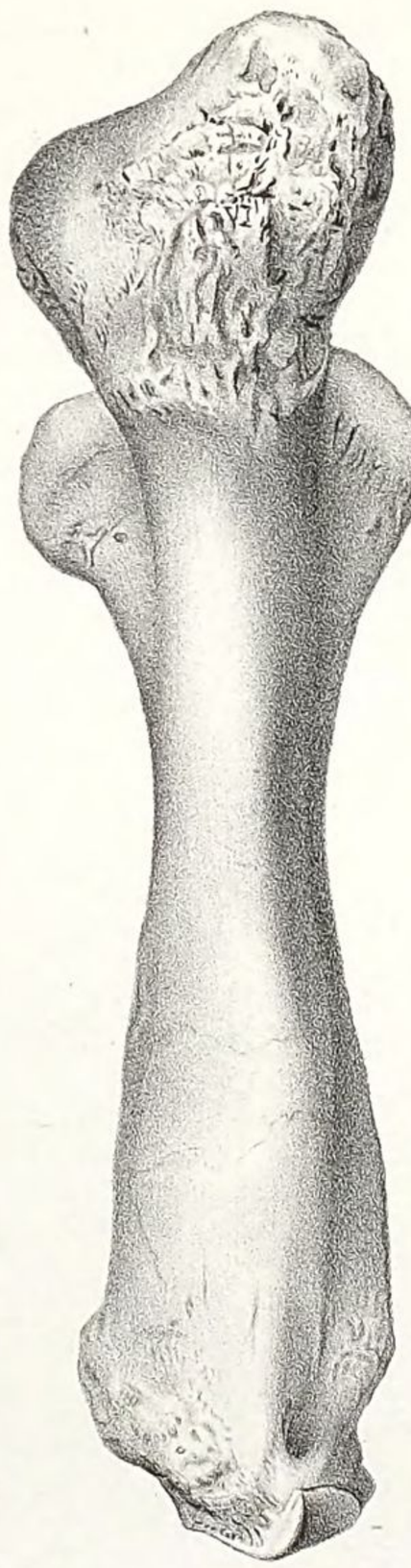

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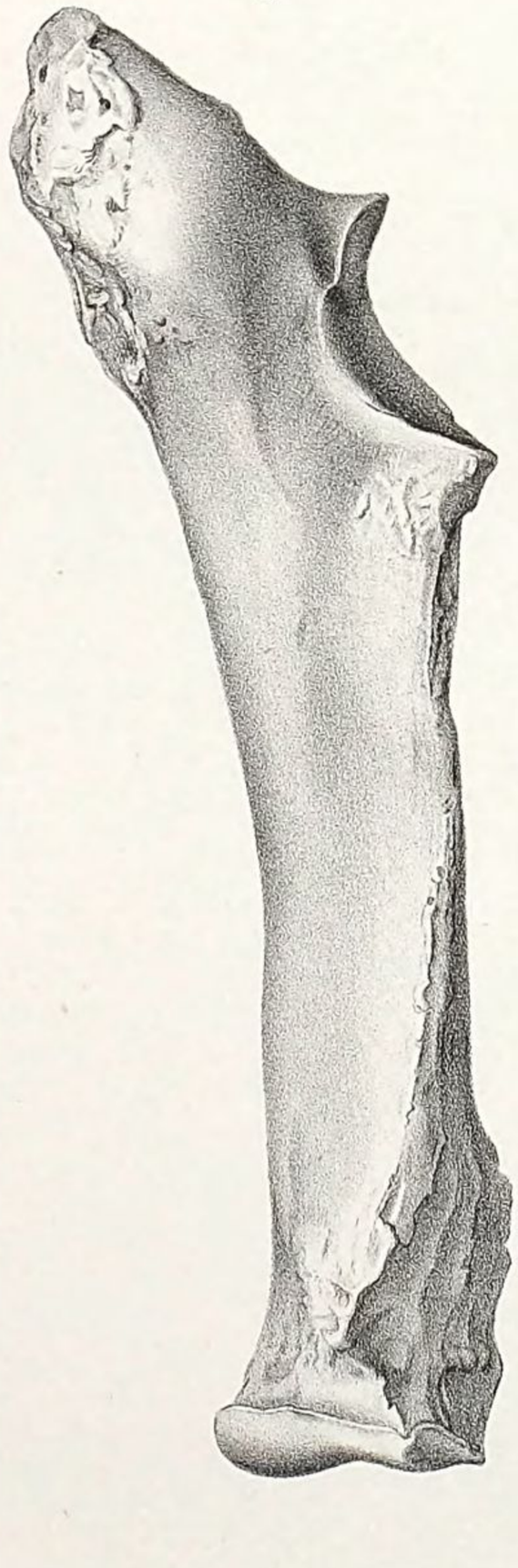

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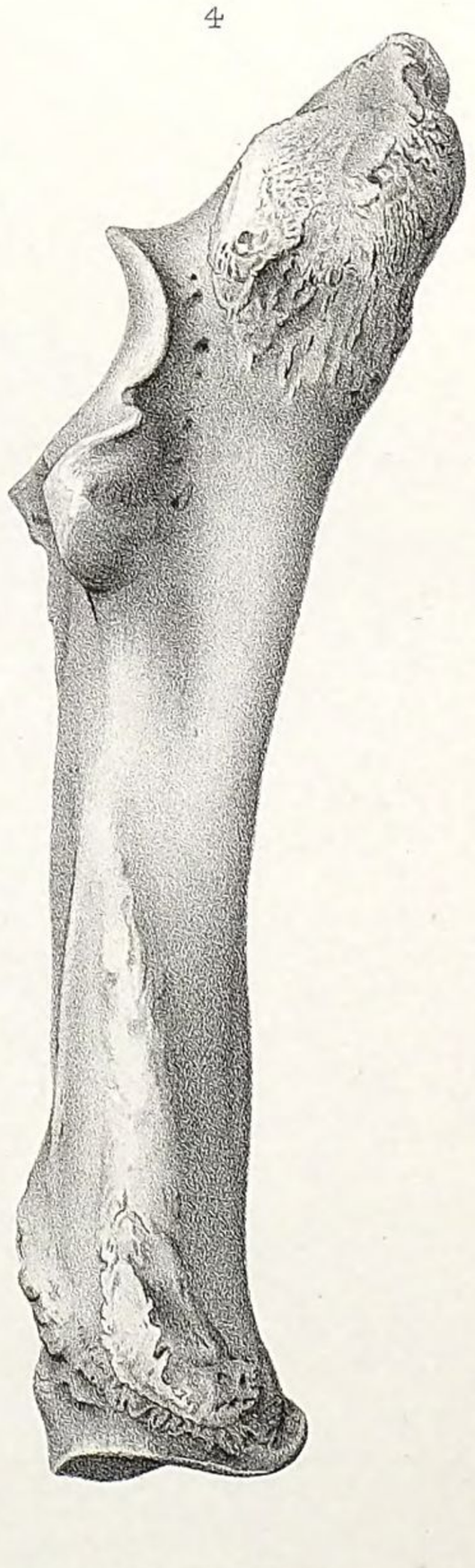

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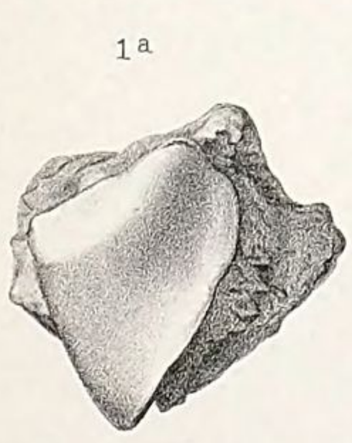

F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XXXI.

PLATE XXXI.

DINOCERATA.

Scaphoid and Lunar of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

FIG. 1.—Scaphoid; outer view, ---- 102

FIG. 2.—The same; posterior view, ---- 102

FIG. 3.—The same; inner view, showing face adjoining lunar, ---- 102

FIG. 4.—The same; anterior view, ---- 102

FIG. 5.—The same; proximal view, showing face for radius, ---- 102

FIG. 6.—The same; distal view, showing faces for trapezium and trapezoid, ---- 102

FIG. 7.—Lunar; anterior or outer view, ---- 104

FIG. 8.—The same; lateral view, showing face adjoining scaphoid, ---- 104

FIG. 9.—The same; posterior, or palmar, view, ---- 104

FIG. 10.—The same; lateral view, showing face adjoining pyramidal, ---- 104

FIG. 11.—The same; proximal view, showing face for radius, ---- 104

FIG. 12.—The same; distal view, showing faces for articulation with magnum and unciform, ---- 104

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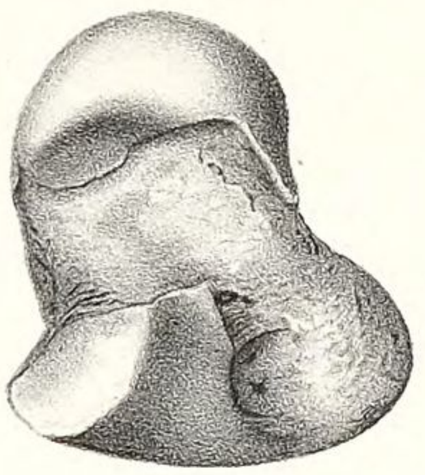

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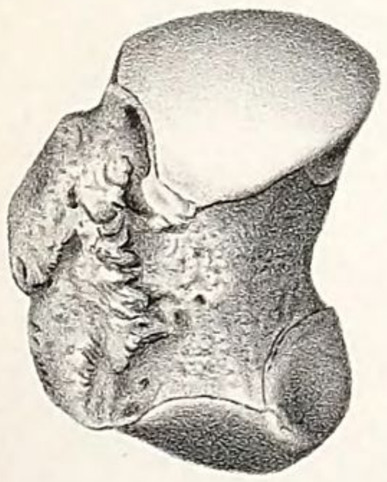

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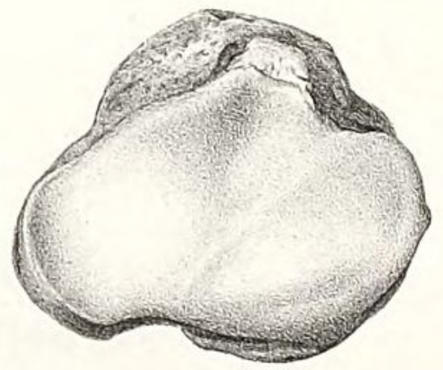

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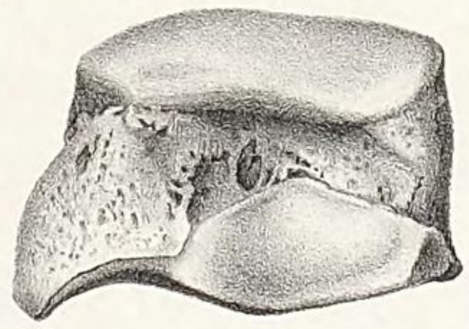

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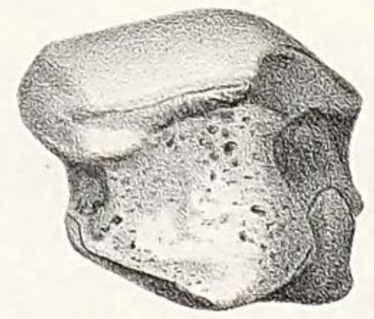

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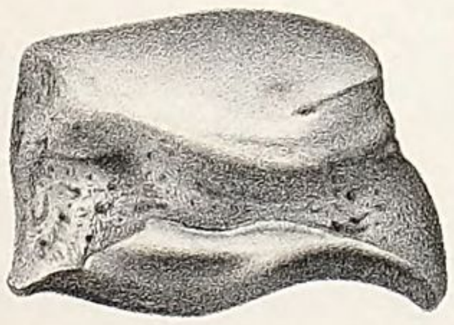

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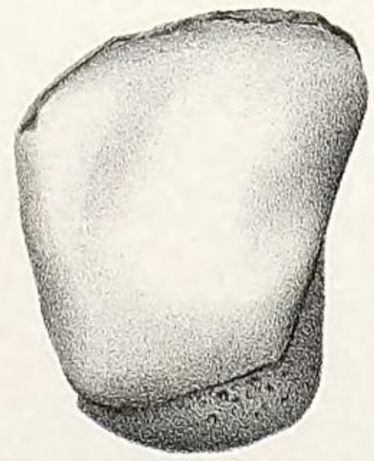

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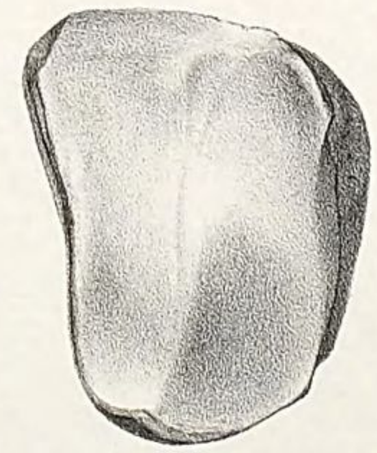

F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XXXII.

PLATE XXXII.

DINOCERATA.

Pyramidal and Pisiform of DINOCERAS MIRABILE, MARSH. (Left foot.)

One-half Natural Size.

FIG. 1.—Pyramidal (or Cuneiform) bone; outer view, ... 107

FIG. 2.—The same; anterior view, ... 107

FIG. 3.—The same; inner view, showing face adjoining lunar, ... 107

FIG. 4.—The same; posterior view, ... 107

FIG. 5.—The same; proximal view, showing faces for ulna and pisiform, ... 107

FIG. 6.—The same; distal view, showing faces for unciform and for fifth metacarpal, ... 107

FIG. 7.—Pisiform; anterior view, ... 109

FIG. 8.—The same; inner view, showing articulation with pyramidal, ... 109

FIG. 9.—The same; posterior view, ... 109

FIG. 10.—The same; outer view, ... 109

FIG. 11.—The same; proximal view, showing articulation with ulna, ... 109

FIG. 12.—The same; distal view, ... 109

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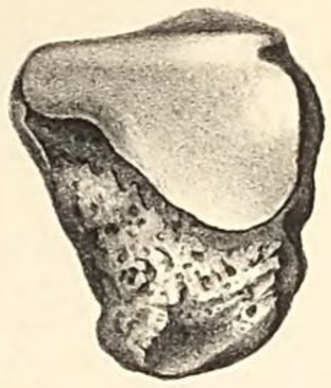

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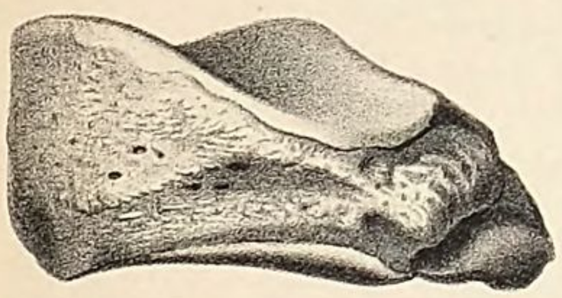

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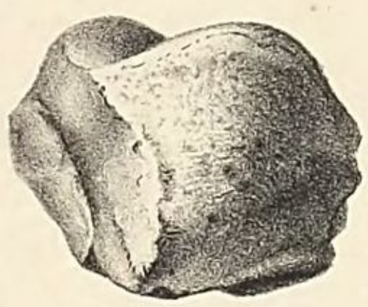

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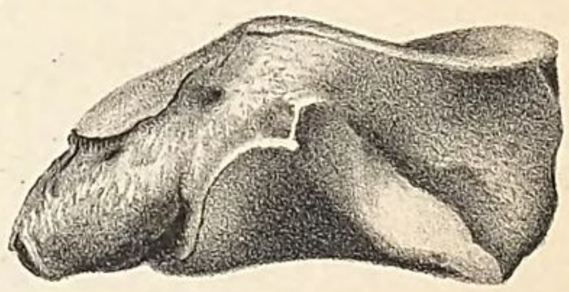

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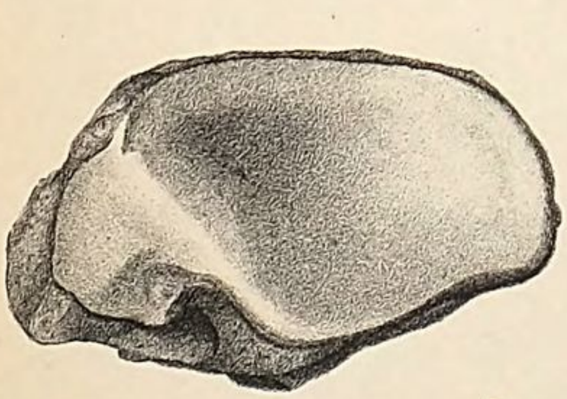

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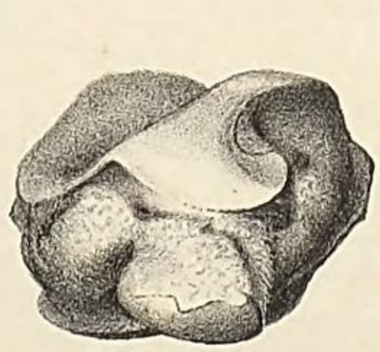

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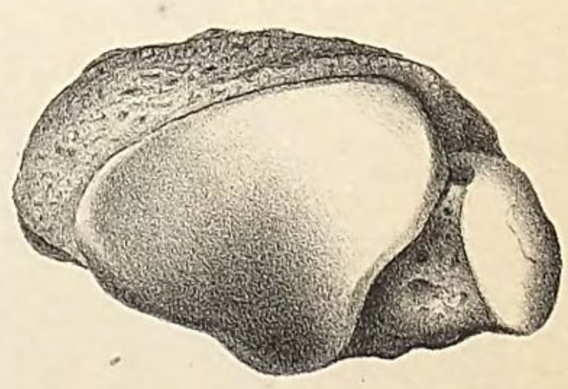

F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XXXIII.

PLATE XXXIII.

DINOCERATA.

Trapezium and Trapezoid of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

FIG. 1.—Trapezium; lateral view, showing outer surface, ---------- 110

FIG. 2.—The same; posterior view, ---------- 110

FIG. 3.—The same; lateral view, showing inner surface, articulating with trapezoid, ---------- 110

FIG. 4.—The same; anterior view, ---------- 110

FIG. 5.—The same; proximal view, showing articulation with scaphoid, ---------- 110

FIG. 6.—The same; distal view, showing metacarpal articulation, ---------- 110

FIG. 7.—Trapezoid; front view, showing external surface, ---------- 111

FIG. 8.—The same; lateral view, showing face adjoining trapezium, ---------- 111

FIG. 9.—The same; posterior view, ---------- 111

FIG. 10.—The same; lateral view, showing face adjoining magnum, ---------- 111

FIG. 11.—The same; proximal view, showing articulation with scaphoid, ---------- 111

FIG. 12.—The same; distal view, showing metacarpal articulation, ---------- 111

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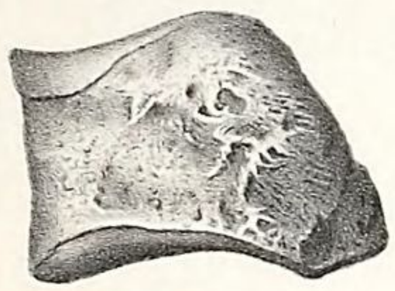

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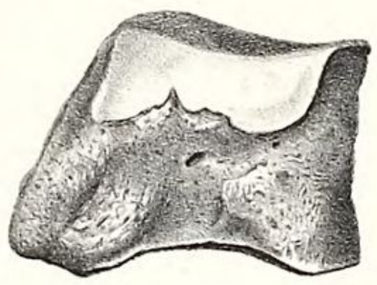

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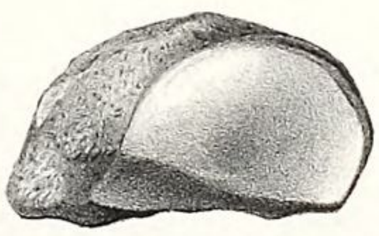

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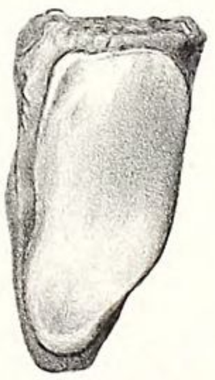

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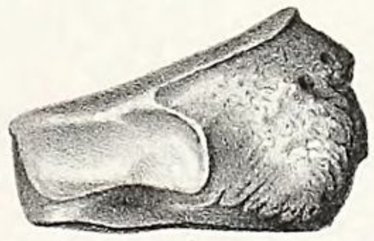

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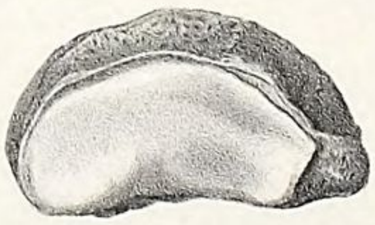

F Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XXXIV.

PLATE XXXIV.

DINOCERATA.

Magnum and Unciform of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

Page.

FIG. 1.—Magnum; front view, showing external surface,---- 113

FIG. 2.—The same; lateral view, showing face adjoining trapezoid,---- 113

FIG. 3.—The same; posterior, or palmar, view,---- 113

FIG. 4.—The same; lateral view, showing face adjoining unciform,---- 113

FIG. 5.—The same; superior, or proximal, view,---- 113

FIG. 6.—The same; inferior, or distal, view, showing face for metacarpal articulation,---- 113

FIG. 7.—Unciform; lateral view, showing external surface,---- 117

FIG. 8.—The same; front view, showing face adjoining magnum, ---- 117

FIG. 9.—The same; lateral view, showing inner surface,---- 117

FIG. 10.—The same; posterior view,---- 117

FIG. 11.—The same; superior, or proximal, view, showing faces for lunar and pyramidal,---- 117

FIG. 12.—The same; inferior, or distal, surface for metacarpal articulations,---- 117

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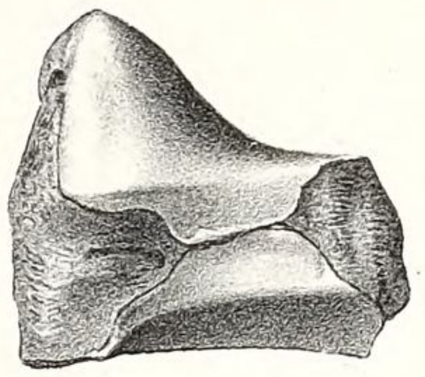

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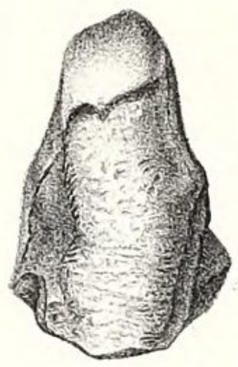

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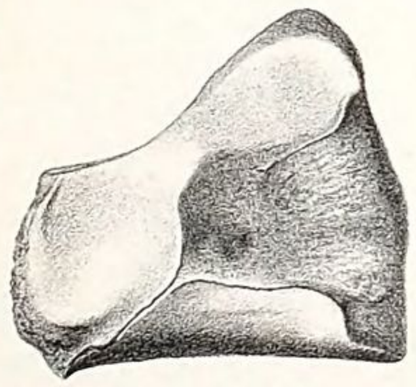

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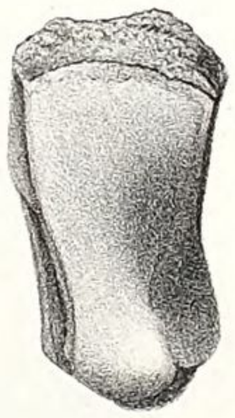

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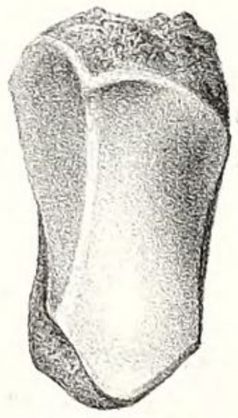

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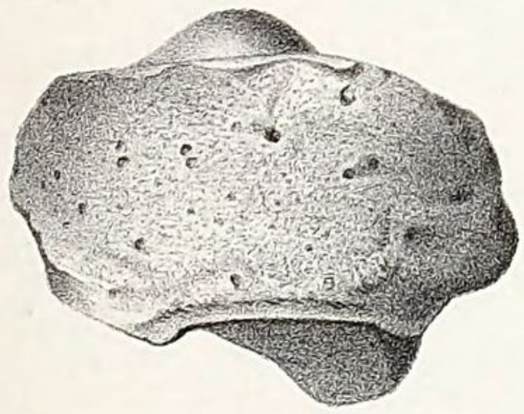

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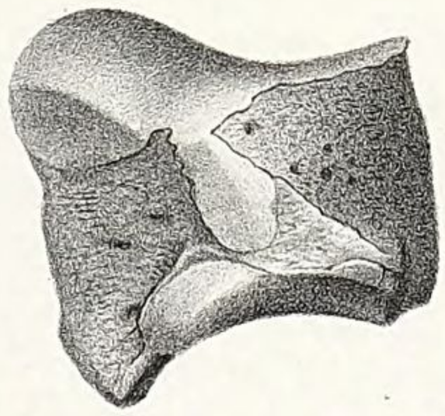

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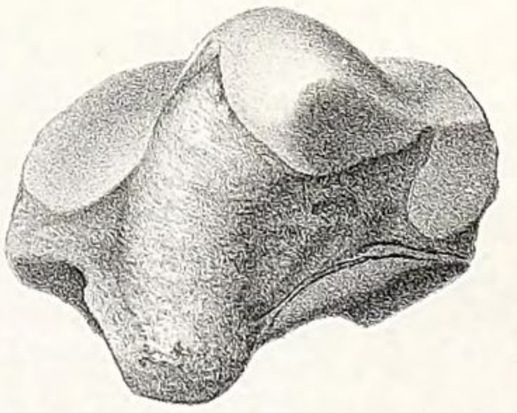

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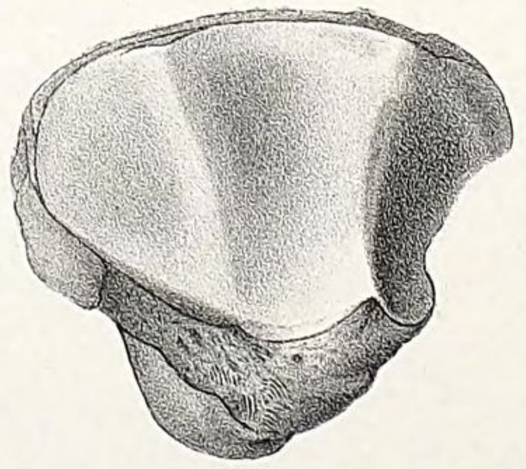

F. Berger, del.

E. Orisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XXXV.

PLATE XXXV.

DINOCERATA.

Metacarpals of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

Page.

FIG. 1.—First metacarpal; front view, ---------- 121

FIG. 2.—The same; lateral view, showing inner, or tibial, side, ---------- 121

FIG. 3.—The same; posterior, or palmar, view, ---------- 121

FIG. 4.—The same; lateral view, showing outer, or ulnar, side, ---------- 121

FIG. 5.—The same; proximal end, ---------- 121

FIG. 6.—The same; distal end, ---------- 121

FIG. 7.—Second metacarpal; front view, ---------- 122

FIG. 8.—The same; lateral view, showing inner, or radial, side, ---------- 122

FIG. 9.—The same; posterior, or palmar, view, ---------- 122

FIG. 10.—The same; lateral view, showing outer, or ulnar, side, ---------- 122

FIG. 11.—The same; proximal end, ---------- 122

FIG. 12.—The same; distal end, ---------- 122

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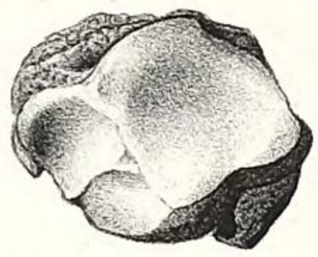

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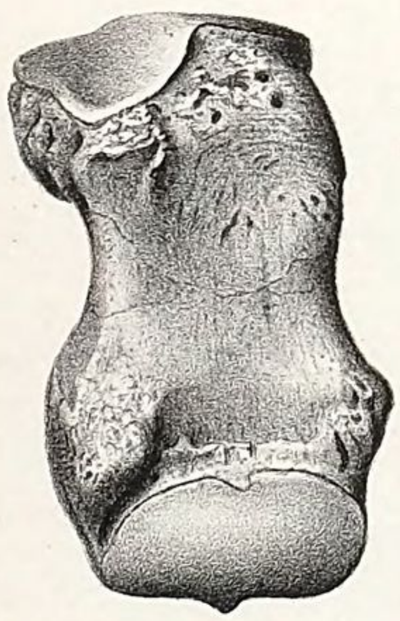

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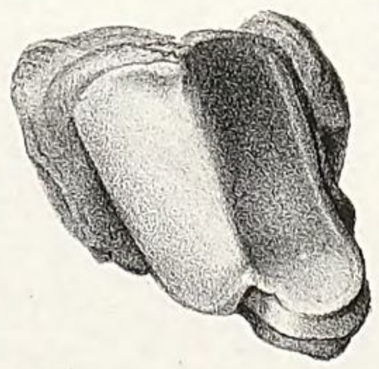

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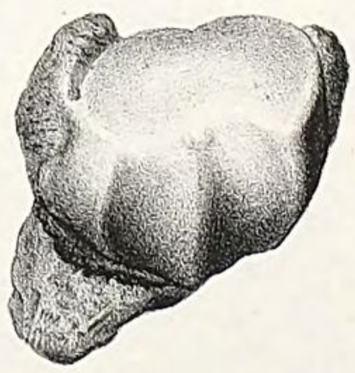


F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XXXVI.

PLATE XXXVI.

DINOCERATA.

Metacarpals of DINOCERAS MIRABILE Marsh. (Left foot.)

One-half Natural Size.

FIG. 1.—Third metacarpal; front view, ---------- 123

FIG. 2.—The same; lateral view, inner, or radial, side, ---------- 123

FIG. 3.—The same; posterior view, ---------- 123

FIG. 4.—The same; lateral view, outer, or ulnar, side, ---------- 123

FIG. 5.—The same; proximal end, ---------- 123

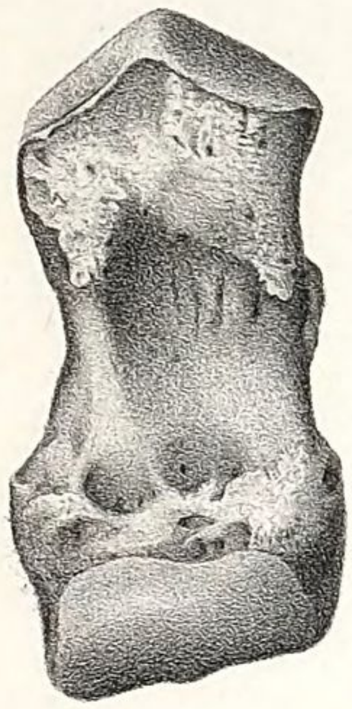
FIG. 6.—The same; distal end, ---------- 123

FIG. 7.—Fourth metacarpal; front view, ---------- 124

FIG. 8.—The same; lateral view, inner, or radial, side, ---------- 124

FIG. 9.—The same; distal end, ---------- 124

1



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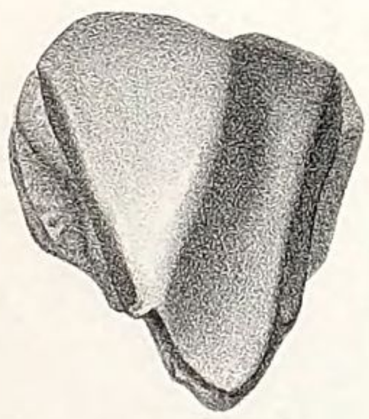

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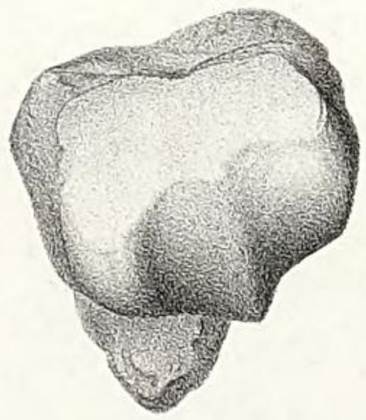

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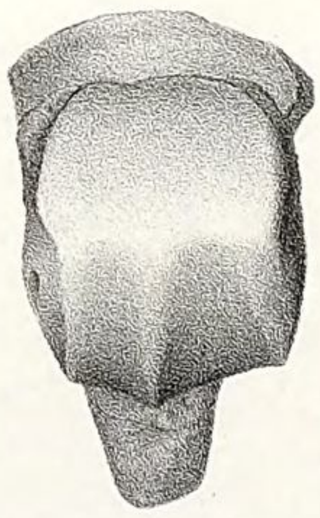

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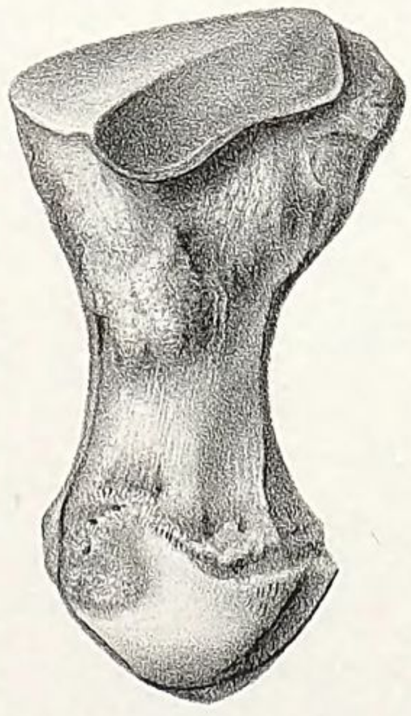

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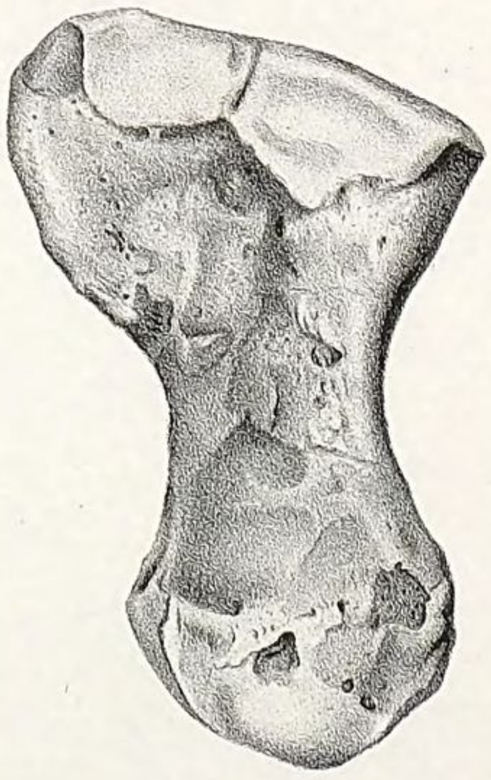


E. Crisand, lith. New Haven.

F. Berger, del.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XXXVII.

PLATE XXXVII.

DINOCERATA.

Metacarpals of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

Page.

FIG. 1.—Fourth metacarpal; posterior, or palmar, view, ---- 124

FIG. 2.—The same; lateral view, showing outer, or ulnar, side, ---- 124

FIG. 3.—The same; proximal end, ---- 124

FIG. 4.—Fifth metacarpal; front view, ---- 127

FIG. 5.—The same; lateral view, showing inner, or radial, side, ---- 127

FIG. 6.—The same; posterior, or palmar, view, ---- 127

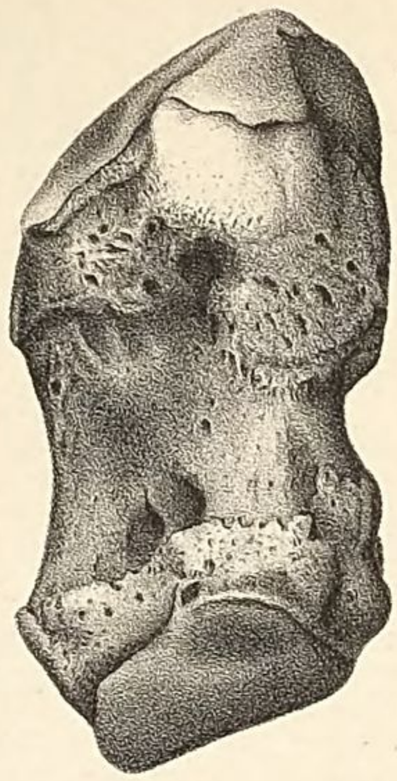
FIG. 7.—The same; lateral view, showing ulnar side, ---- 127

FIG. 8.—The same; proximal end, ---- 127

FIG. 9.—The same; distal end, ---- 127

1

4



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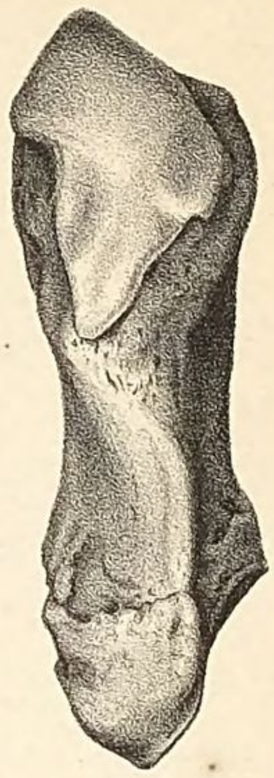

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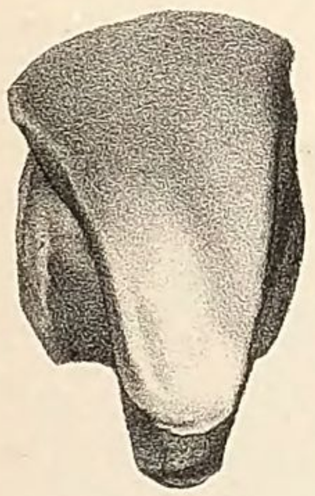

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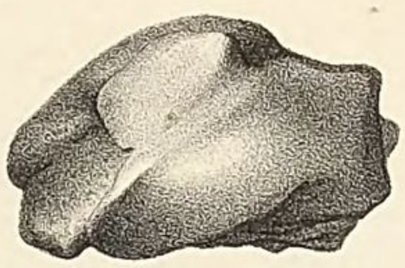

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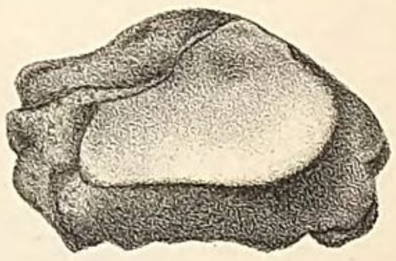

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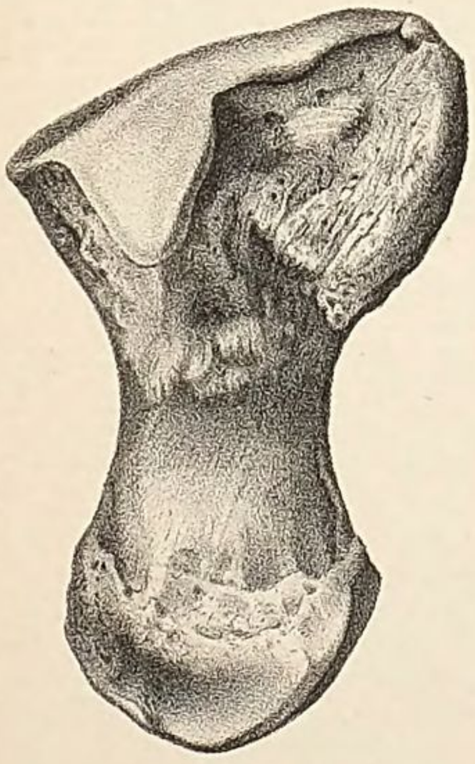

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F Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XXXVIII.

PLATE XXXVIII.

DINOCERATA.

Phalanges of Dinoceras mirabile, Marsh.

One-half Natural Size.

Page.

Fig. 1.—Proximal phalanx of a median digit; front view, ---------- 127
1*a*—Lateral view.
1*b*—Posterior view.
1*c*—Proximal end.
1*d*—Distal end.

Fig. 2.—Proximal phalanx of a lateral digit; front view, ---------- 127
2*a*—Lateral view.
2*b*—Posterior view.
2*c*—Proximal end.
2*d*—Distal end.

Fig. 3.—Median phalanx; front view, ---------- 128
3*a*—Posterior view.
3*b*—Proximal end.
3*c*—Distal end.

Fig. 4.—Median phalanx; front view, ---------- 128
4*a*—Lateral view.
4*b*—Posterior view.
4*c*—Proximal end.
4*d*—Distal end.

Fig. 5.—Ungual phalanx of median digit; front view, ---------- 128
5*a*—Posterior view.
5*b*—Proximal end.
5*c*—Distal end.

Fig. 6.—Ungual phalanx of lateral digit; front view, ---------- 128
6*a*—Lateral view.
6*b*—Posterior view.
6*c*—Proximal end.
6*d*—Distal end.

Fig. 7.—Sesamoid bone from metacarpo-phalangeal articulation; lateral view, ---------- 121
7*a*—Articular surface.

1

1a

2c

3a

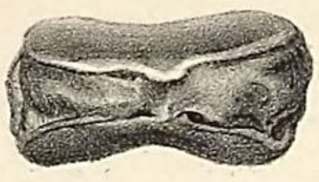
4a

5c

6b

7

1b



2

2d

3c

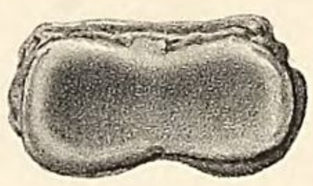
4c

5a

6a

7a

1c



2b

3

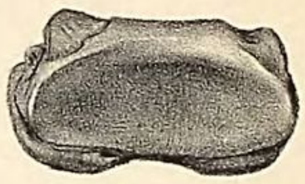
4

4d

5b

6c

1d



2a

3b

4b

5

6

6d

F Berger, del.

E. Crisand, lith New Haven

DINOCERAS MIRABILE, Marsh ½.

PLATE XXXIX.

PLATE XXXIX.

DINOCERATA.

Ribs of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page

FIG. 1.—First rib; anterior view,---- 129

FIG. 2.—The same; inner view, ---- 129

FIG. 3.—The same; superior view, showing head and tubercle,---- 129

FIG. 4.—Dorsal rib; posterior view,---- 133

FIG. 5.—The same; inner view, ---- 133

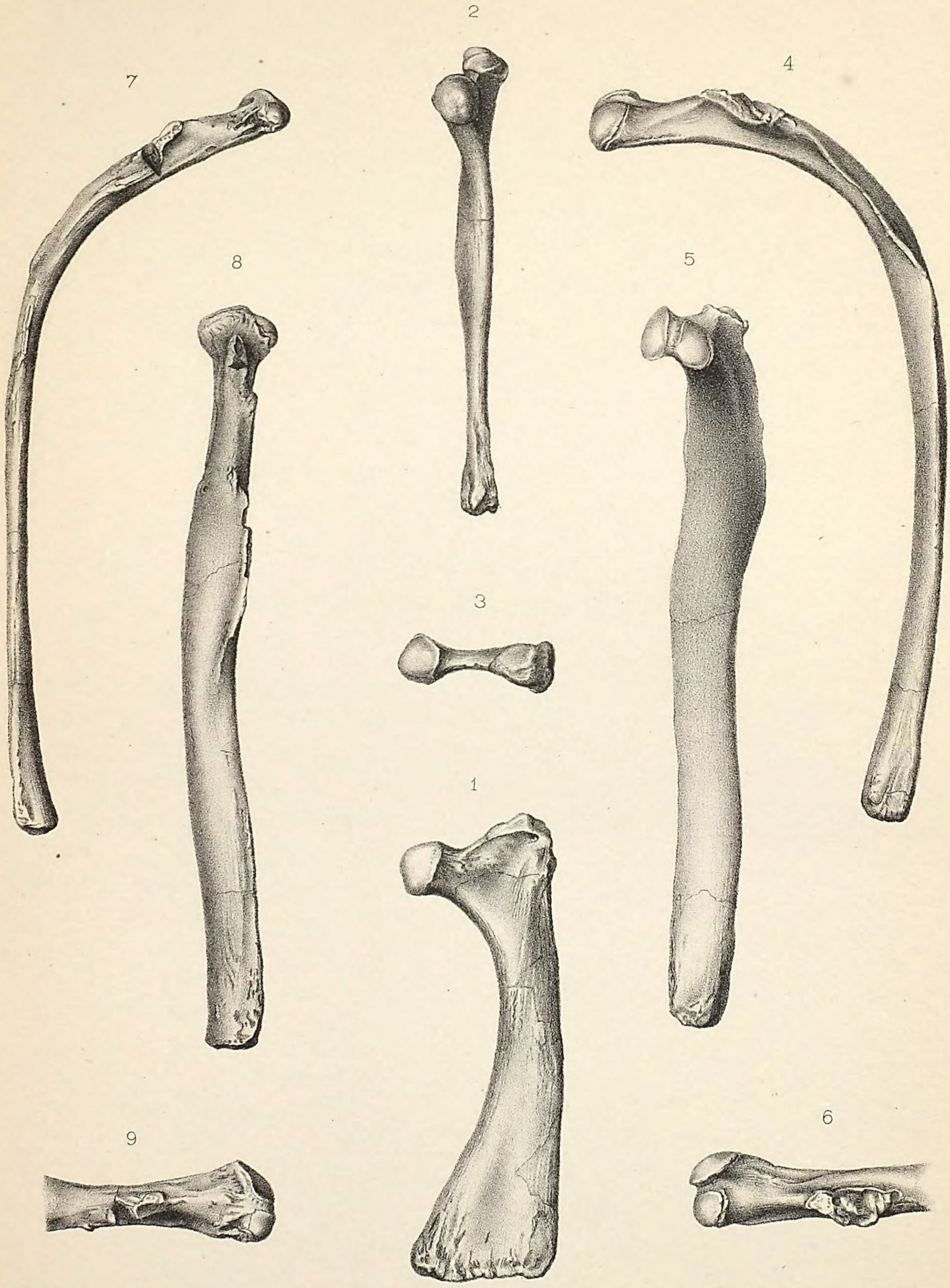
FIG. 6.—The same; superior view, showing head and tubercle,---- 133

FIG. 7.—Posterior rib; anterior view, ---- 133

FIG. 8.—The same; outer view, ---- 133

FIG. 9.—The same; superior view, showing head and tubercle, ---- 133

PLATE XXXIX.



F Berger, del.

E. Crisand, lith New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XL.

PLATE XL.

DINOCERATA.

Sternum of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

FIG. 1.—First segment; lateral view, seen from the left, ---- 133

FIG. 2.—The same; superior view, ---- 133

FIG. 3.—The same; inferior view, ---- 133

FIG. 4.—Second segment; lateral view, seen from the left, ---- 134

FIG. 5.—The same; superior view, ---- 134

FIG. 6.—The same; inferior view, ---- 134

FIG. 7.—Third segment; lateral view, seen from the left, ---- 134

FIG. 8.—The same; superior view, ---- 134

FIG. 9.—The same; inferior view, ---- 134

FIG. 10.—Last segment; lateral view, seen from the left, ---- 134

FIG. 11.—The same; superior view, ---- 134

FIG. 12.—The same; inferior view, ---- 134

PLATE XL

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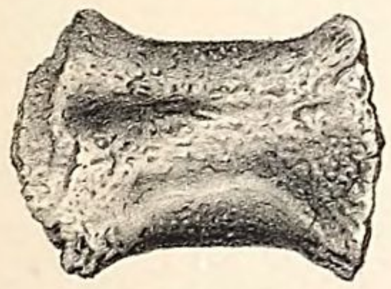

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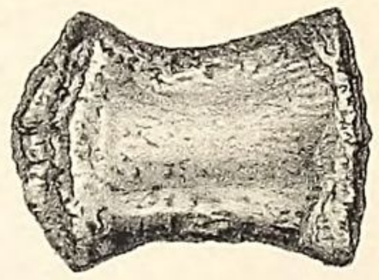

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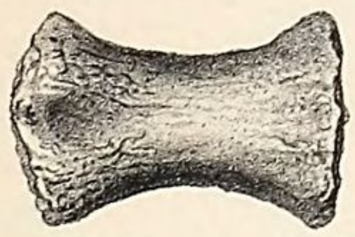

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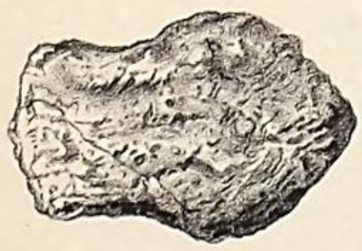

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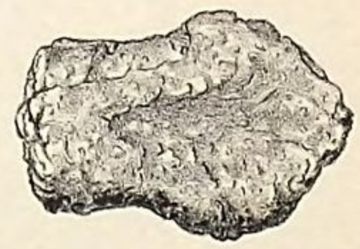


F Berger, del

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XLI.

PLATE XLI.

DINOCERATA.

Pelvis of DINOCERAS MIRABILE, Marsh.

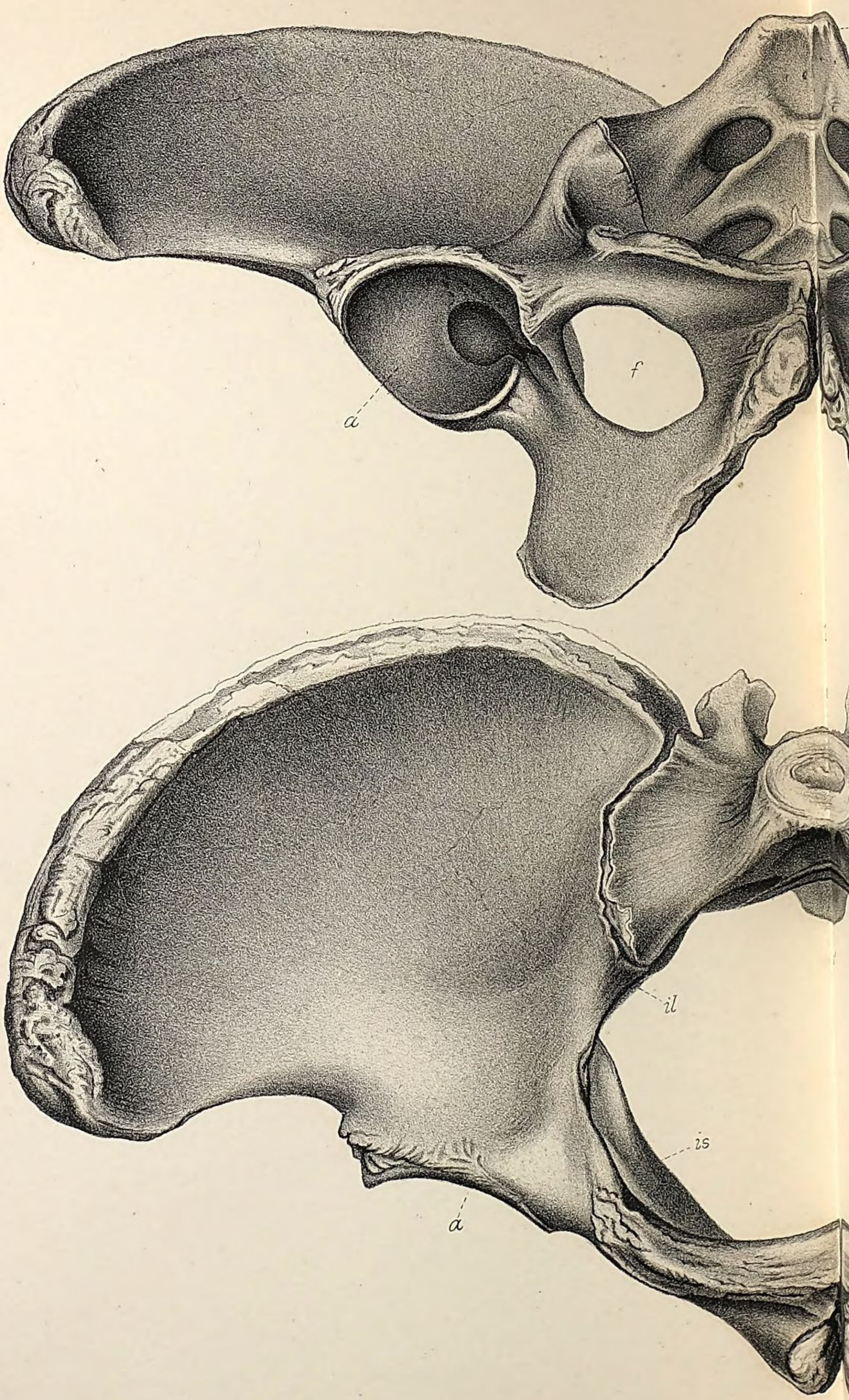
One-fourth Natural Size.

Page.

FIG. 1.—Pelvis; anterior view, ... 135

FIG. 2.—The same; inferior view, ... 135

a—Acetabulum.
f—Obturator foramen.
il—Ilium.
is—Ischium.
p—Pubis.
s—Anterior end of sacrum.
s'—Posterior end of sacrum.



F Berger. del.

DINOCERAS MI

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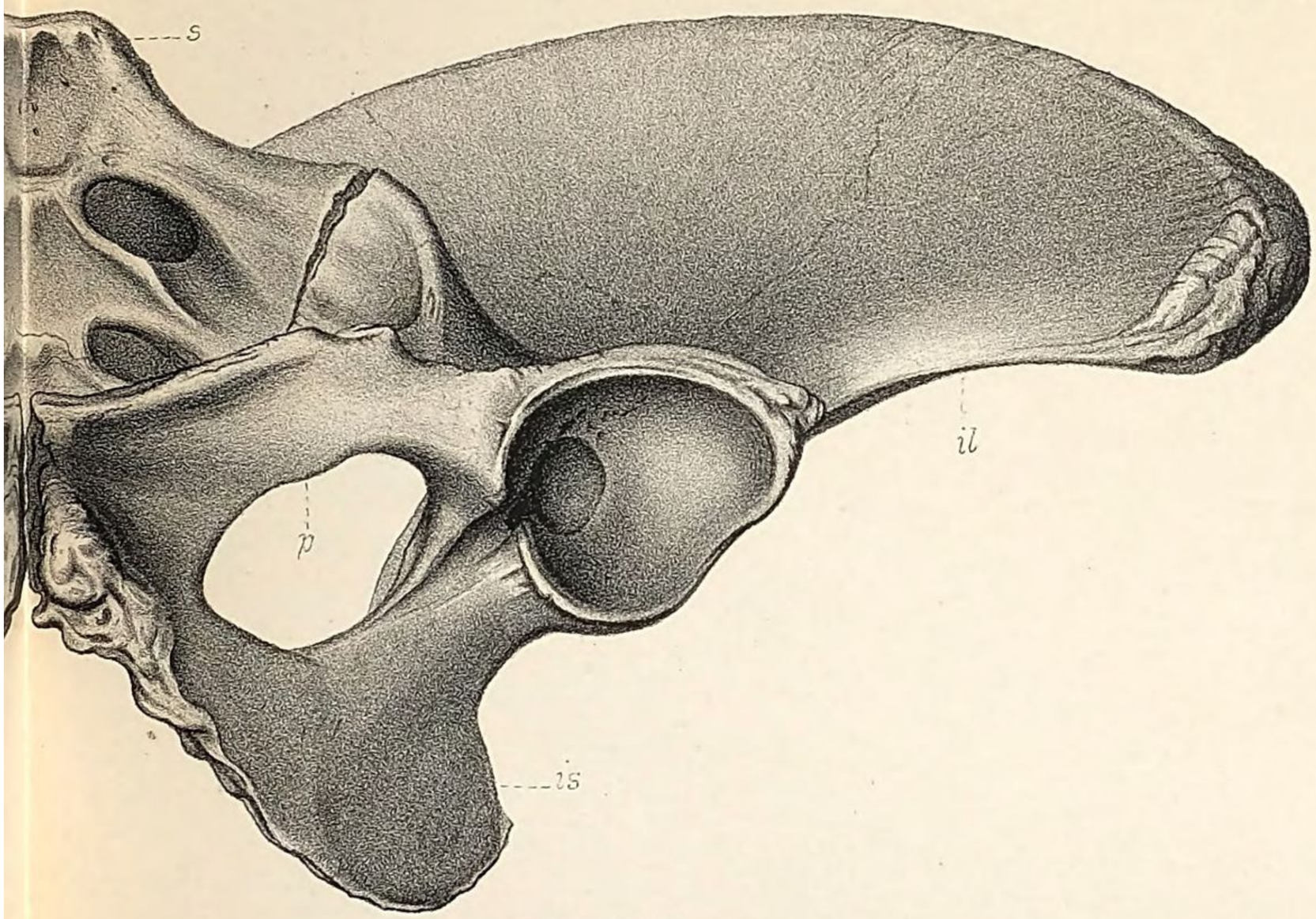

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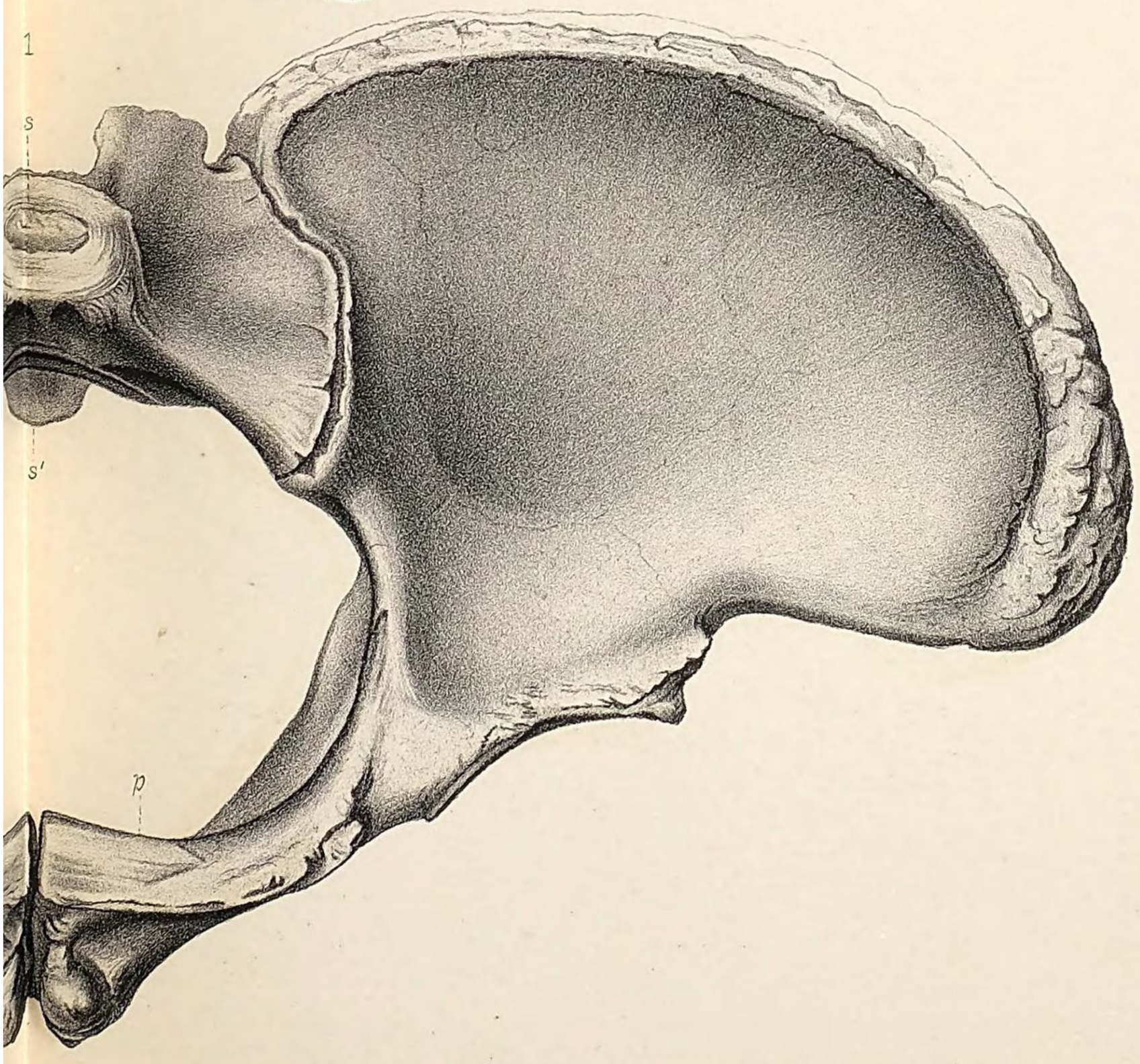

E. Crisand, lith. New Haven

MIRABILE, Marsh. ¼

PLATE XLII.

PLATE XLII.

DINOCERATA.

Pelvis of DINOCERAS MIRABILE, Marsh

One-fourth Natural Size.

Page.

FIG. 1.—Pelvis; lateral view, seen from the left, ---------- 135

FIG. 2.—The same; lateral view, showing inner suface, ---------- 135

FIG. 3.—The same; posterior view, ---------- 135

FIG. 4.—Sacrum; inferior view, ---------- 137

a—Acetabulum.
f—Obturator foramen.
i—Sacral face for ilium.
il—Ilium.
is—Ischium.
p—Pubis.
s—Anterior end of sacrum.
s'—Posterior end of sacrum.

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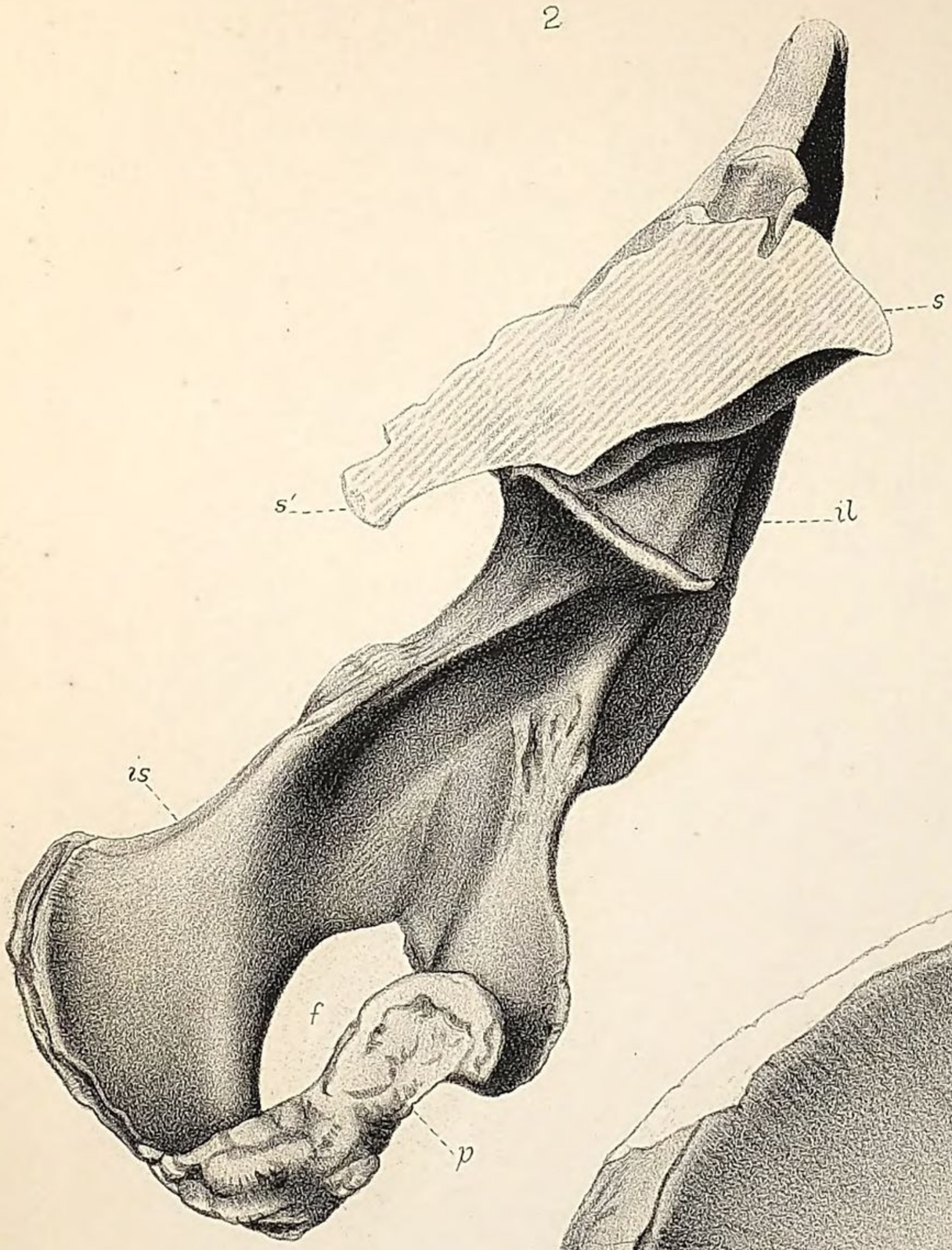

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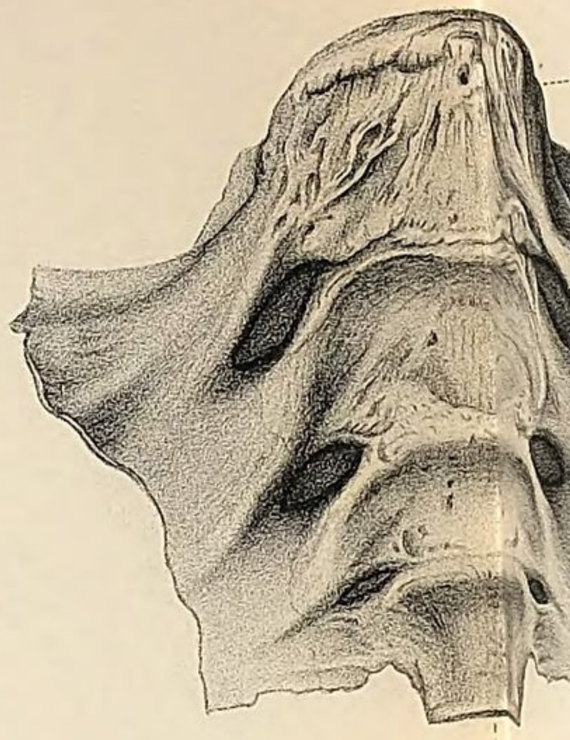

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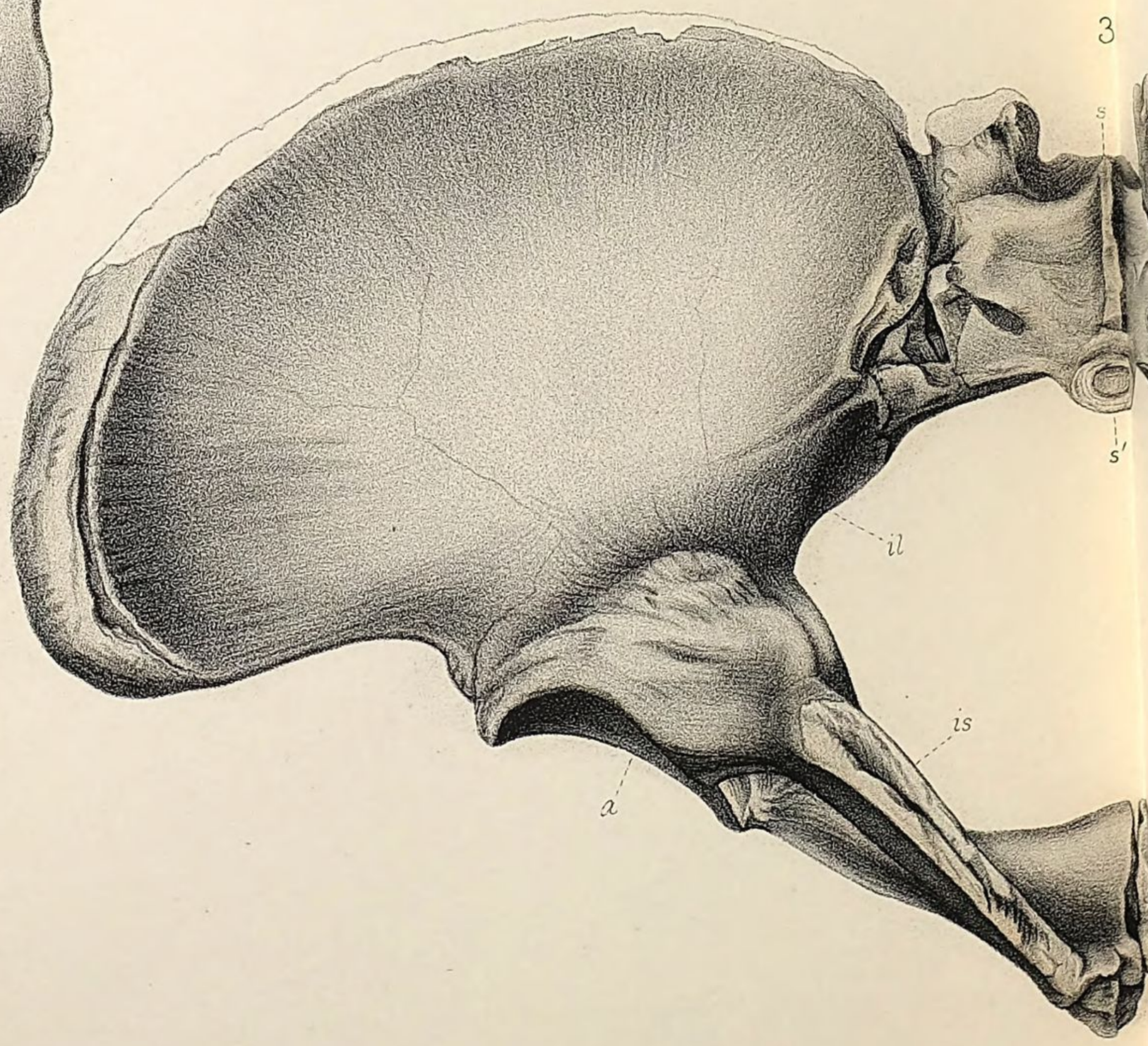
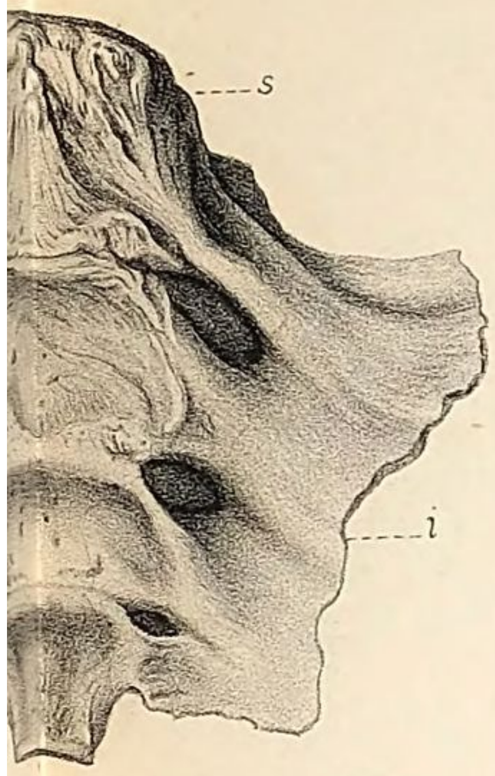


F. Berger, del.

DINOCERAS MI

PLATE XLII.



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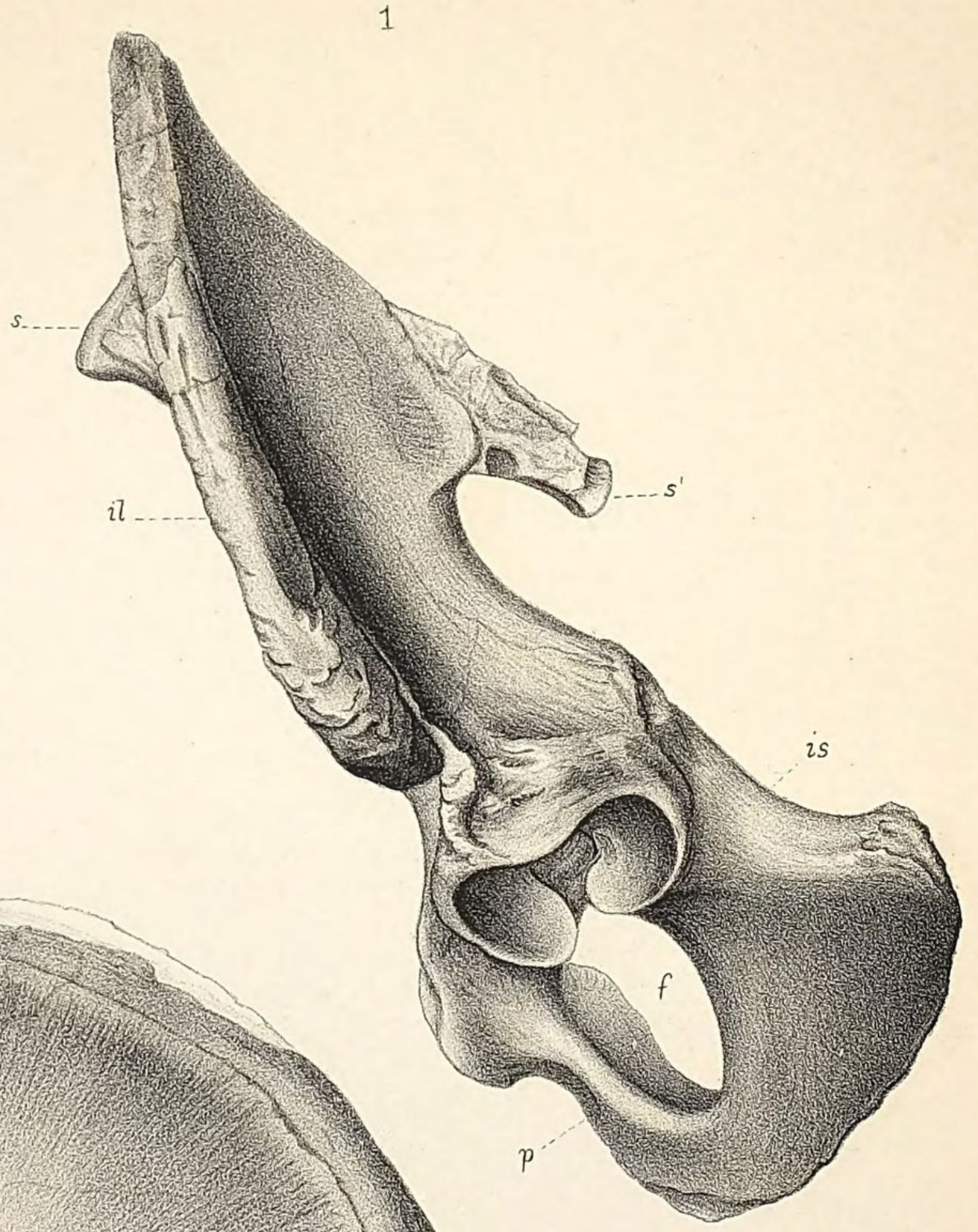

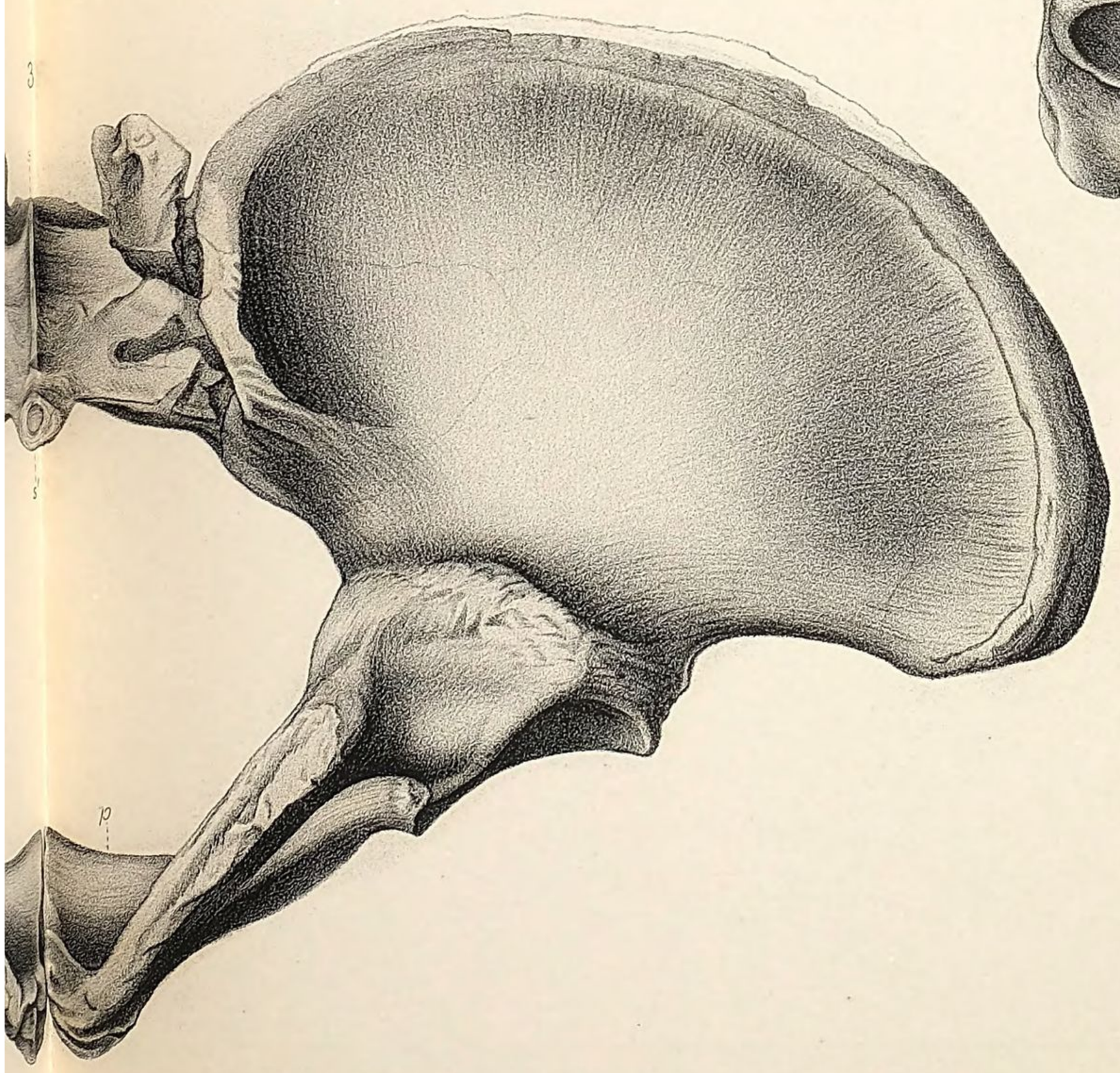

E. Orisand, lith New Haven

MIRABILE, Marsh. ¼.

PLATE XLIII.

PLATE XLIII.

DINOCERATA.

Caudal Vertebræ of DINOCERAS LATICEPS, Marsh.

One-fourth Natural Size.

FIG. 1.—First caudal vertebra; lateral view, seen from the left, ---------- 138
1*a*—Superior view.
1*b*—Anterior view.
1*c*—Inferior view.
1*d*—Posterior view.

FIG. 2.—Second caudal vertebra; lateral view, seen from the left, ---------- 138
2*a*—Superior view.
2*b*—Anterior view.
2*c*—Inferior view.
2*d*—Posterior view.

FIG. 3.—Third caudal vertebra; lateral view, seen from the left, ---------- 138
3*a*—Superior view.
3*b*—Anterior view.
3*c*—Inferior view.
3*d*—Posterior view.

FIG. 4.—Fourth caudal vertebra; superior view, ---------- 138
4*a*—Inferior view.

1

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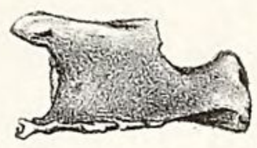

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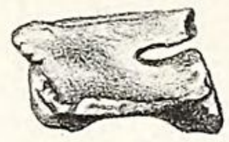

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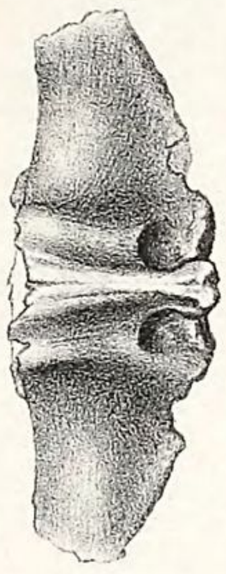

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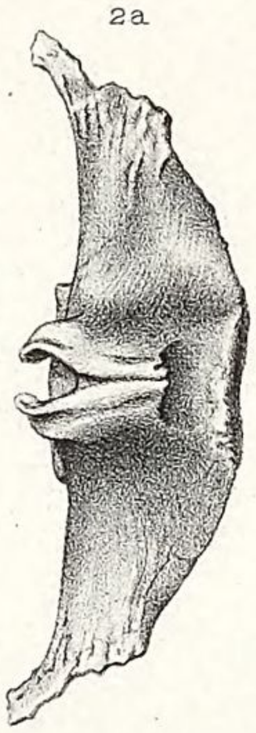

3a

1b

2b

3b

1c

2c

3c

1d

4

2d

3d

4a

F Berger, del.

E. Crisand, lith New Haven.

DINOCERAS LATICEPS, Marsh. ¼.

PLATE XLIV.

PLATE XLIV.

DINOCERATA.

Femur of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

FIG. 1.—Left Femur; front, or superior, view, ---------- 139
t —Great trochanter.
t' —Lesser trochanter.
1*a*—Distal end.

Fig. 2.—The same; inner view, ---------- 139

FIG. 3.—The same; back, or inferior, view, ---------- 139
3*a*—Proximal end.

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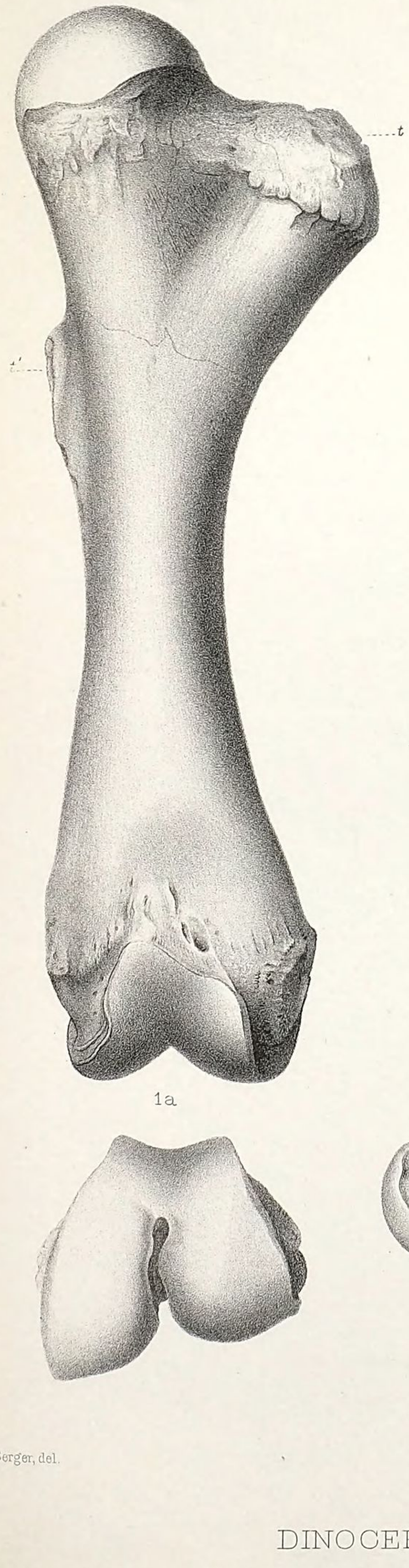

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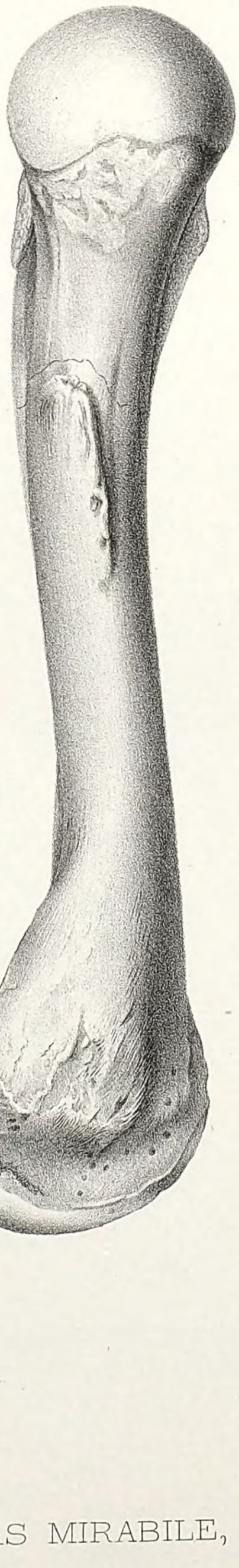

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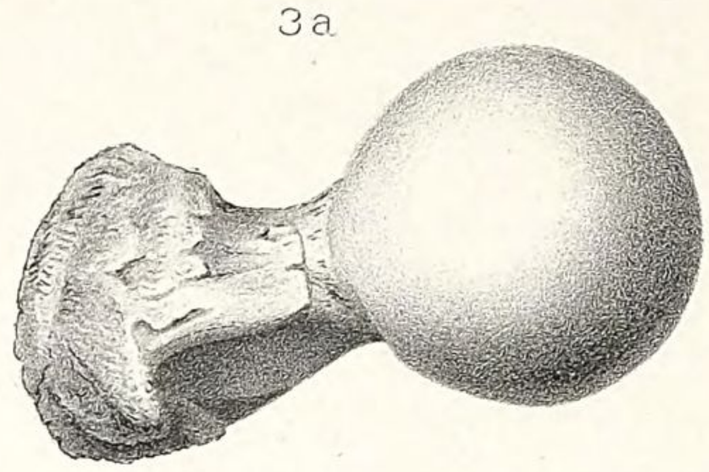

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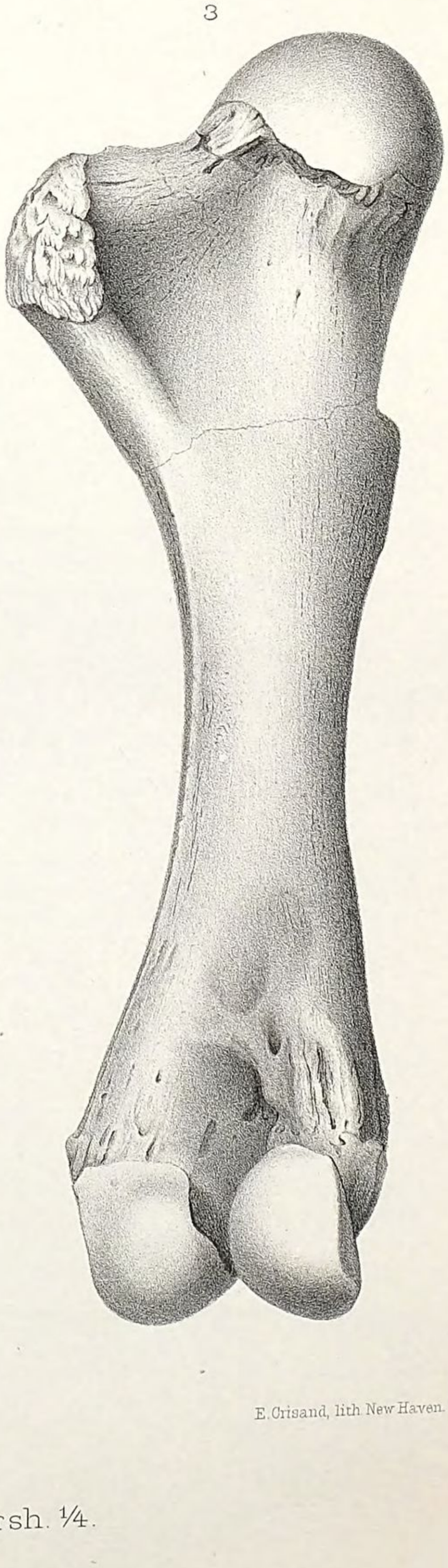

F. Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XLV.

PLATE XLV.

DINOCERATA.

Tibia of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

FIG. 1.—Left Tibia; anterior view, ... 141
1*a*—Distal end.

FIG. 2.—The same; lateral view, inner side, ... 141

FIG. 3.—The same; posterior view, ... 141
3*a*—Proximal end.

FIG. 4.—The same; lateral view, outer side, ... 141

FIG. 5.—Section of shaft of Tibia, ... 141

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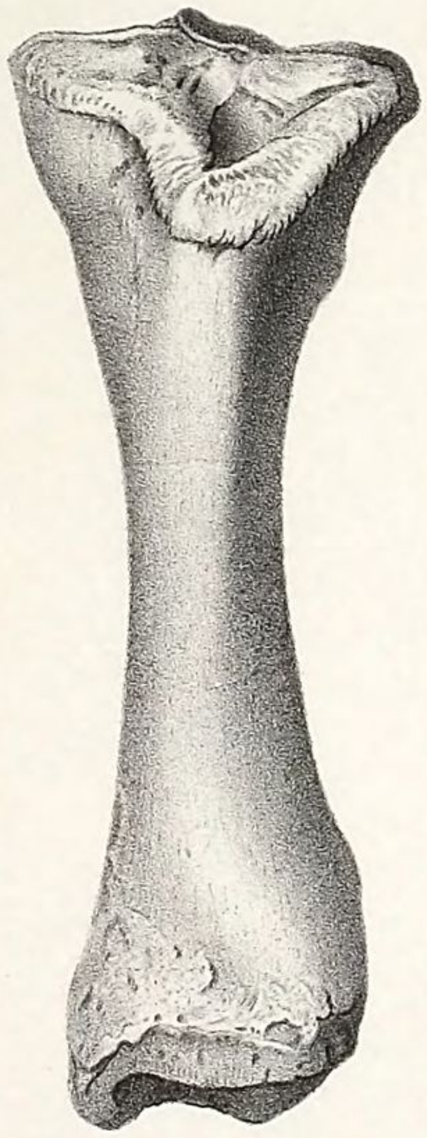

1a

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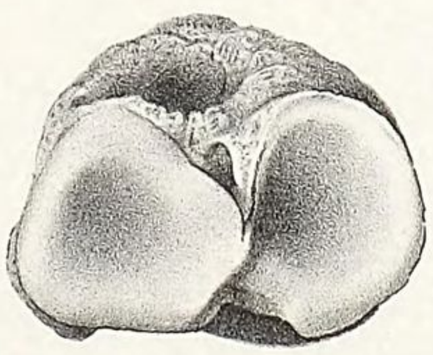
3a



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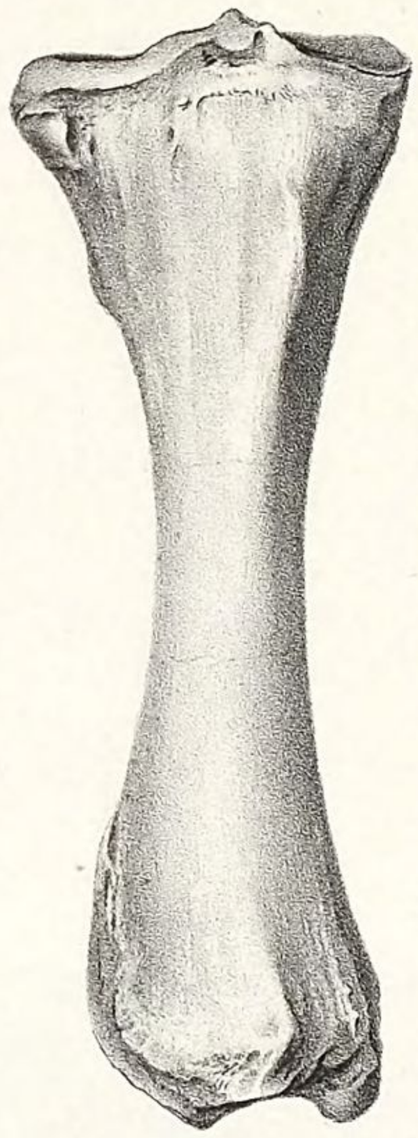

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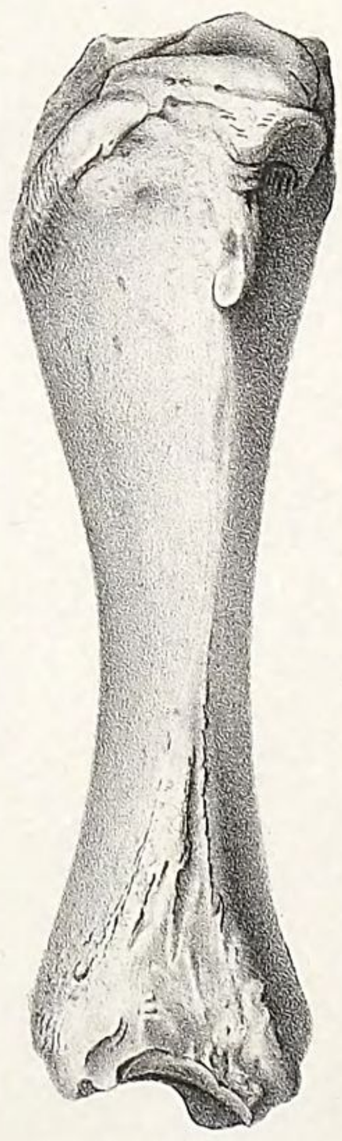

F Berger, del.

E.Crisand, lith New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XLVI.

PLATE XLVI.

DINOCERATA.

Fibula and Patella of DINOCERAS MIRABILE, Marsh.

One-fourth Natural Size.

Page.

FIG. 1.—Left Fibula; outer view, ... 143

1*a*—Distal end.

FIG. 2.—The same; posterior view, ... 143

FIG. 3.—The same; inner view, ... 143

3*a*—Proximal end.

FIG. 4.—The same; anterior view, ... 143

FIG. 5.—Left Patella; front view, ... 143

FIG. 6.—The same; lateral view, showing inner side, ... 143

FIG. 7.—The same; posterior view, ... 143

FIG. 8.—The same; lateral view, showing outer side, ... 143

PLATE XLVI.

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1a

3a

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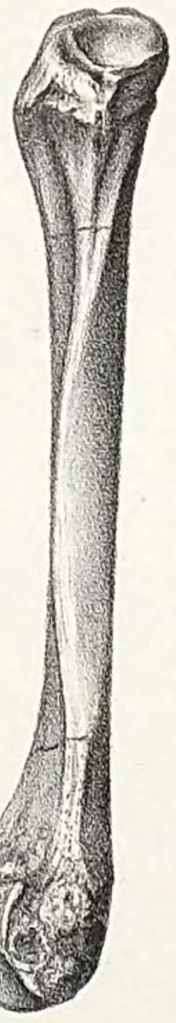
1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F Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ¼.

PLATE XLVII.

PLATE XLVII.

DINOCERATA.

Astragalus of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

FIG. 1.—Astragalus; superior view, showing face for articulation with tibia, ---- 146

FIG. 2.—The same; lateral view, tibial side, ---- 146

FIG. 3.—The same; inferior view, ---- 146

FIG. 4.—The same; lateral view, fibular side, ---- 146

FIG. 5.—The same; front view, ---- 146

FIG. 6.—The same; posterior view, ---- 146

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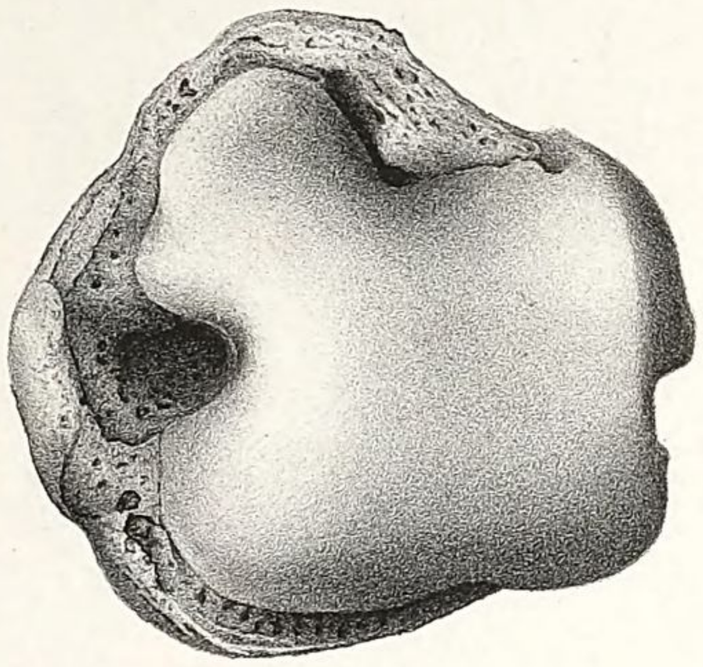

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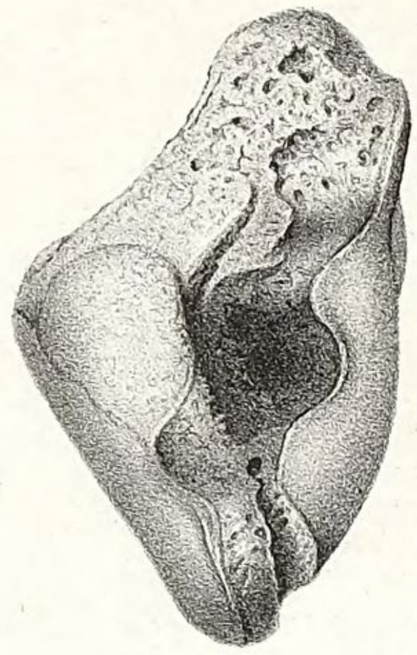

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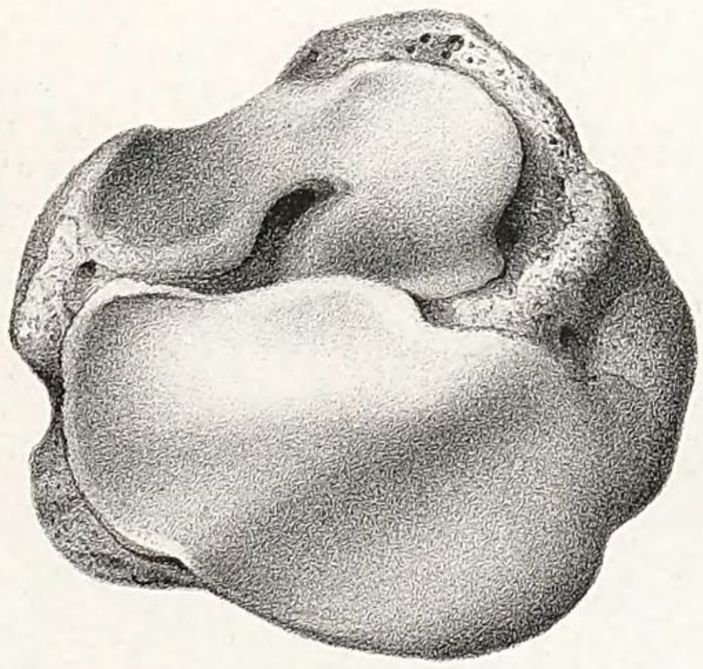

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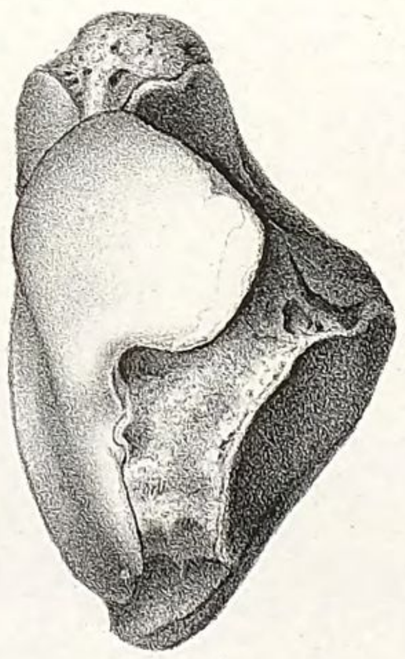

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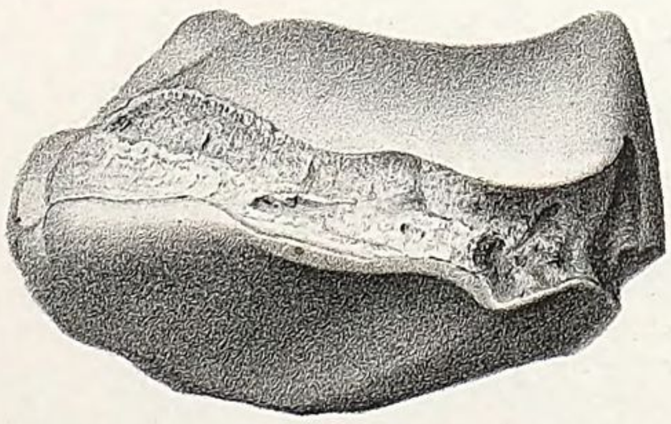

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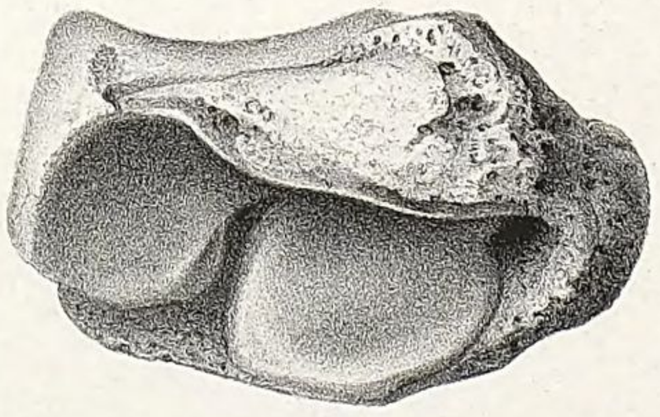

F Berger, del.

E.Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XLVIII.

PLATE XLVIII.

DINOCERATA.

Calcaneum of DINOCERAS MIRABILE, Marsh (Left foot.)

One-half Natural Size.

Page.

FIG. 1.—Calcaneum; anterior, or front, view, ... 151

FIG. 2.—The same; inner view, tibial side, ... 151

FIG. 3.—The same; posterior view, ... 151

FIG. 4.—The same; outer view, fibular side, ... 151

FIG. 5.—The same; superior view, showing face for astragalus, ... 151

FIG. 6.—The same; inferior, or plantar, view, ... 151

PLATE XLVIII.

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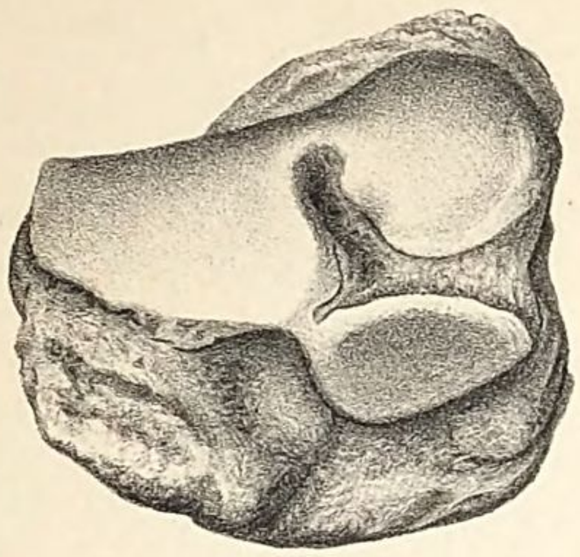

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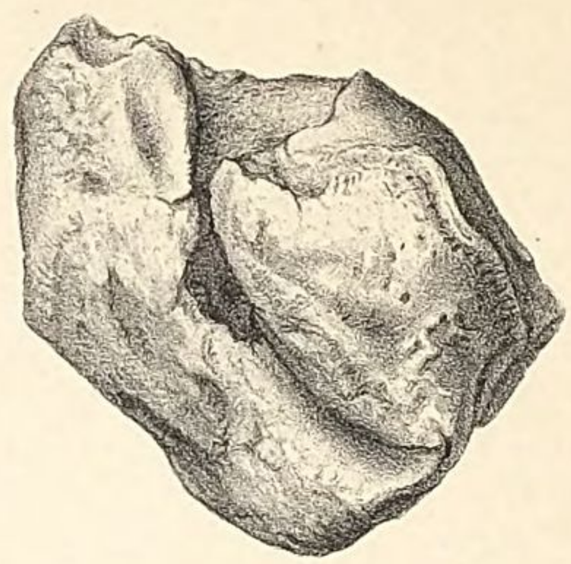

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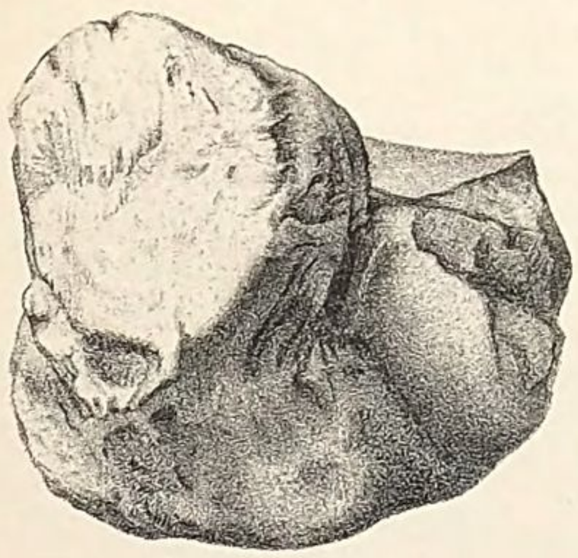

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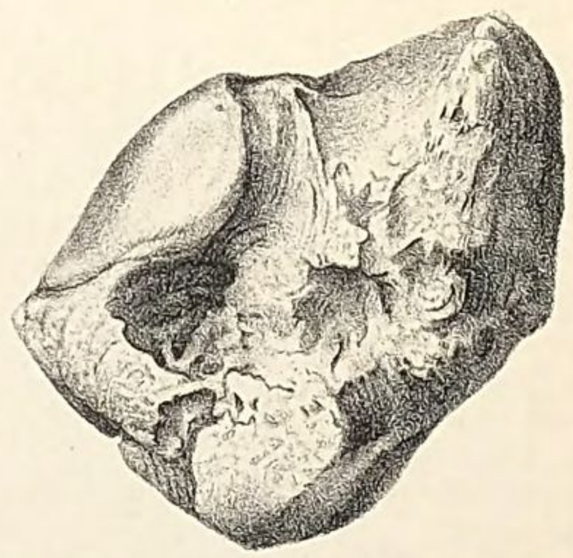

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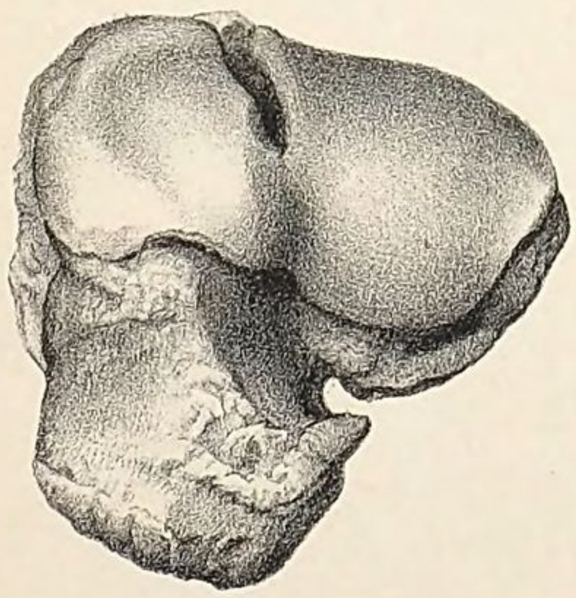

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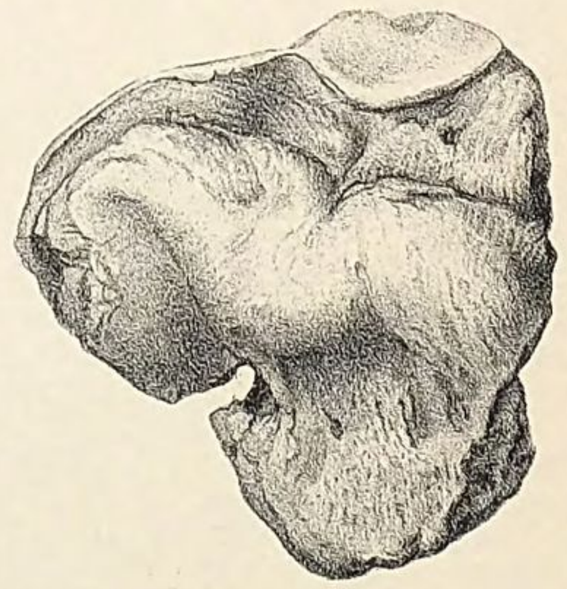

F Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE XLIX.

PLATE XLIX.

DINOCERATA.

Cuboid and Navicular of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

FIG. 1.—Cuboid; front, or outer, view, ---------- 153

FIG. 2.—The same; lateral view, showing face adjoining navicular, ---------- 153

FIG. 3.—The same; posterior, or plantar, view, ---------- 153

FIG. 4.—The same; lateral view, showing fibular side, ---------- 153

FIG. 5.—The same; proximal surface, ---------- 153

FIG. 6.—The same; distal surface, supporting fourth and fifth metatarsals, ---------- 153

FIG. 7.—Navicular (or Scaphoid); front view, ---------- 155

FIG. 8.—The same; lateral view, ---------- 155

FIG. 9.—The same; posterior, or plantar, view, ---------- 155

FIG. 10.—The same; lateral view, showing face adjoining cuboid, ---------- 155

FIG. 11.—The same; proximal end, articulating with astragalus, ---------- 155

FIG. 12.—The same; distal end, articulating with cuneiformes, ---------- 155

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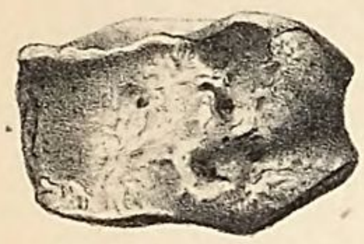

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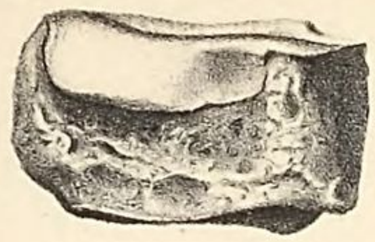

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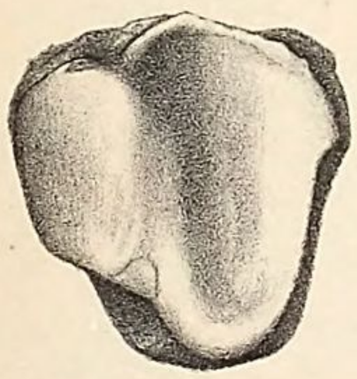

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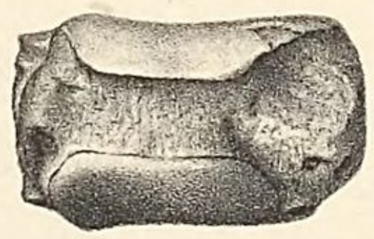

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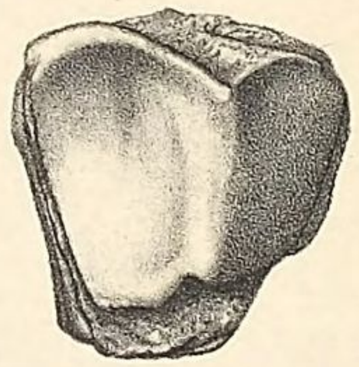

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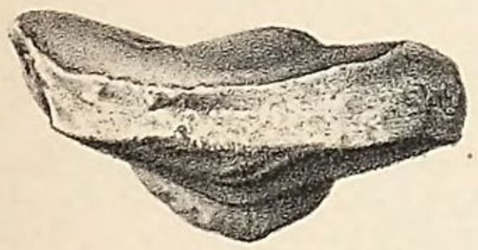

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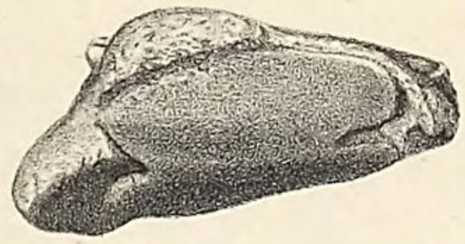

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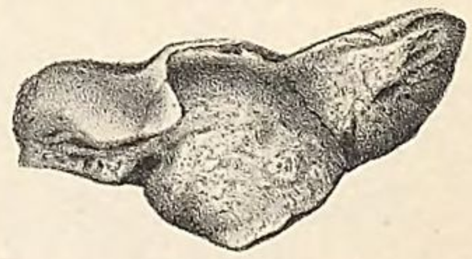

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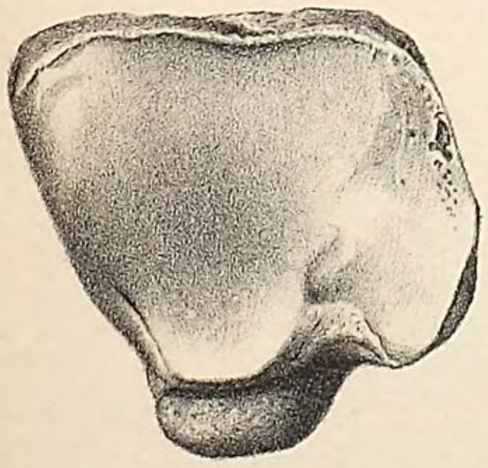

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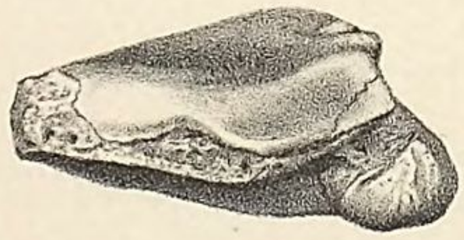

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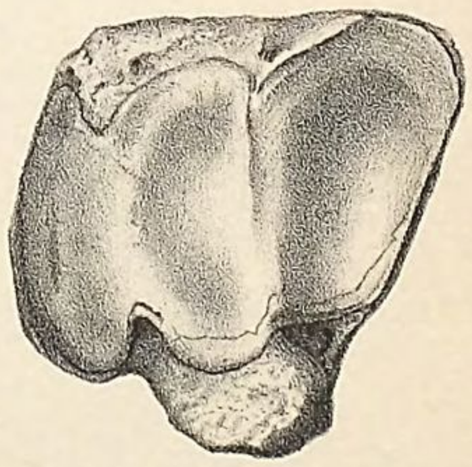

F Berger, del

E. Crisand, lith New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE L.

PLATE L.

DINOCERATA.

Tarsal bones of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

FIG. 1.—Entocuneiform; outer view, ---- 158

FIG. 2.—The same; posterior view, ---- 158

FIG. 3.—The same; inner view, showing face adjoining mesocuneiform, ---- 158

FIG. 4.—The same; anterior view, ---- 158

FIG. 5.—The same; proximal surface, articulating with navicular, ---- 158

FIG. 6.—The same; distal surface, supporting first metatarsal, ---- 158

FIG. 7.—Mesocuneiform; outer, or front, view, ---- 158

FIG. 8.—The same; tibial surface, adjoining entocuneiform, ---- 158

FIG. 9.—The same; posterior, or plantar, view, ---- 158

FIG. 10.—The same; fibular surface, adjoining ectocuneiform, ---- 158

FIG. 11.—The same; proximal surface, articulating with navicular, ---- 158

FIG. 12.—The same; distal end, supporting second metatarsal, ---- 158

FIG. 13.—Ectocuneiform; outer, or front, view, ---- 159

FIG. 14.—The same; tibial surface, adjoining mesocuneiform, ---- 159

FIG. 15.—The same; posterior, or plantar, view, ---- 159

FIG. 16.—The same; fibular surface, adjoining cuboid, ---- 159

FIG. 17.—The same; proximal end, articulating with navicular, ---- 159

FIG. 18.—The same; distal end, supporting third metatarsal, ---- 159

PLATE L.

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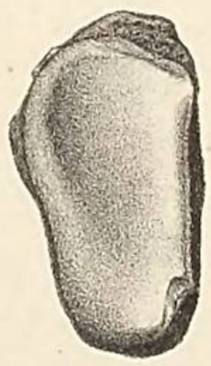

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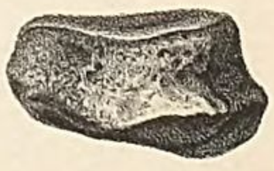

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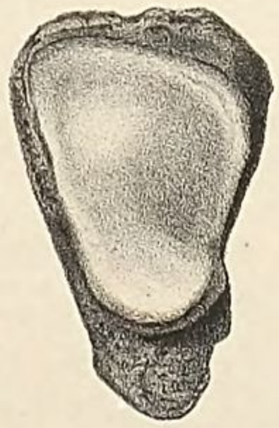

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F Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE LI.

PLATE LI.

DINOCERATA.

Metatarsals of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

Page.

FIG. 1.—First Metatarsal; front view, ---- 161

FIG. 2.—The same; lateral view, showing tibial surface, ---- 161

FIG. 3.—The same; posterior, or plantar, view, ---- 161

FIG. 4.—The same; lateral view, showing fibular surface, ---- 161

FIG. 5.—The same; proximal end, ---- 161

FIG 6.—The same; distal end, ---- 161

FIG. 7.—Second Metatarsal; front view, ---- 161

FIG. 8.—The same; lateral view, showing tibial surface, ---- 161

FIG. 9.—The same; posterior, or plantar, view, ---- 161

FIG. 10.—The same; lateral view, showing fibular surface, ---- 161

FIG. 11.—The same; proximal end, ---- 161

FIG. 12.—The same; distal end, ---- 161

FIG. 13.—Third Metatarsal; front view, ---- 162

FIG. 14.—The same; lateral view, showing tibial side, ---- 162

FIG. 15.—The same; posterior, or plantar, view, ---- 162

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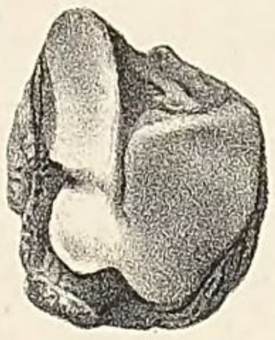

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F Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE LII.

PLATE LII.

DINOCERATA.

Metatarsals of DINOCERAS MIRABILE, Marsh. (Left foot.)

One-half Natural Size.

Page.

FIG. 1.—Third Metatarsal; lateral view, showing fibular surface, ---- 162

FIG. 2.—The same; proximal end, ---- 162

FIG. 3.—The same; distal end, ---- 162

FIG. 4.—Fourth Metatarsal; front view, ---- 163

FIG. 5.—The same; lateral view, showing tibial surface, ---- 163

FIG. 6.—The same; posterior, or plantar, view, ---- 163

FIG. 7.—The same; lateral view, showing fibular surface, ---- 163

FIG. 8.—The same; proximal end, ---- 163

FIG. 9.—The same; distal end, ---- 163

FIG. 10.—Fifth Metatarsal; front view, ---- 163

FIG. 11.—The same; lateral view, showing tibial surface, ---- 163

FIG. 12.—The same; posterior, or plantar, view, ---- 163

FIG. 13.—The same; lateral view, showing fibular surface, ---- 163

FIG. 14.—The same; proximal end, ---- 163

FIG. 15.—The same; distal end, ---- 163

PLATE LII.

1

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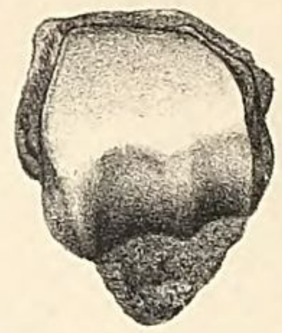
3



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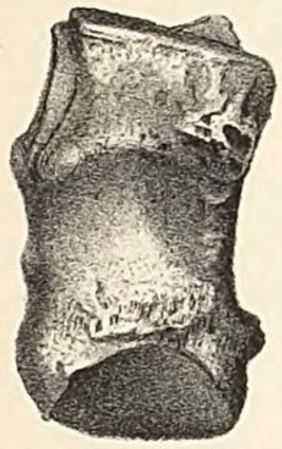

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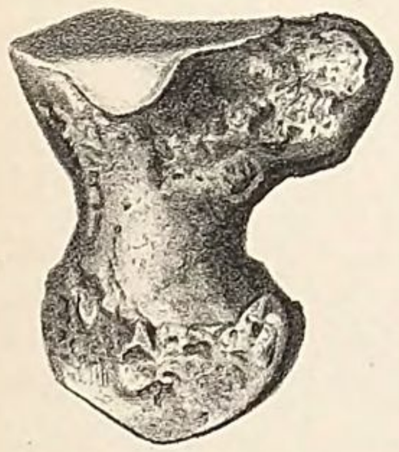

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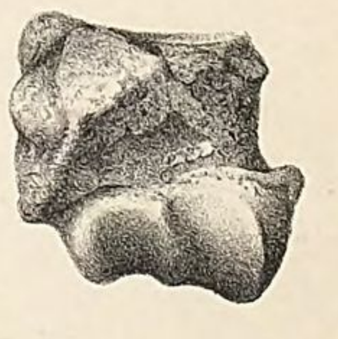

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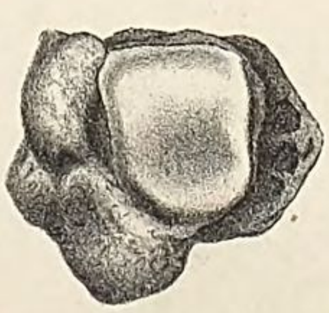

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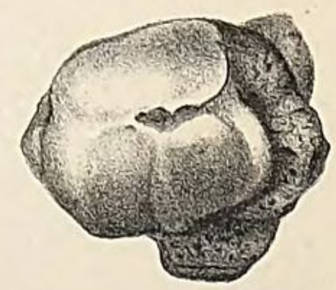


F Berger, del.

E. Crisand, lith. New Haven.

DINOCERAS MIRABILE, Marsh. ½.

PLATE LIII.

PLATE LIII.

DINOCERATA.

Phalanges of DINOCERAS MIRABILE, Marsh.

One-half Natural Size. Page.

FIG. 1.—Proximal phalanx of median digit; front view, ... 164
1*a* —Lateral view.
1*b* —Posterior view.
1*c* —Proximal end.
1*d* —Distal end.

FIG. 2.—Proximal phalanx; front view, ... 164
2*a* —Posterior view.
2*b* —Proximal end.
2*c* —Distal end.

FIG. 3.—Proximal phalanx of lateral digit; front view, ... 164
3*a* —Posterior view.
3*b* —Proximal end.
3*c* —Distal end.

FIG. 4.—Median phalanx; front view, ... 164
4*a* —Posterior view.
4*b* —Proximal end.
4*c* —Distal end.

FIG. 5.—Median phalanx; front view, ... 164
5*a* —Proximal end.
5*b* —Distal end.

FIG. 6.—Ungual phalanx; front view, ... 164
6*a* —Posterior view.
6*b* —Proximal end.
6*c* —Distal end.

FIG. 7.—Ungual phalanx; front view, ... 164
7*a* —Posterior view.
7*b* —Proximal end.
7*c* —Distal end.

FIG. 8.—Sesamoid bone from metatarso-phalangeal articulation; lateral view, ... 164
8*a* —Articular surface.

FIG. 9.—Sesamoid bone from metatarso-phalangeal articulation; lateral view, ... 164
9*a* —Articular surface.

FIG. 10.—Sesamoid bone, probably from hallux; lateral view, ... 164
10*a*—Articular surface.

PLATE LIII

1b

1

1a

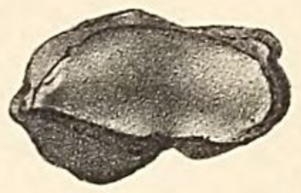
1c

1d

2

2a

2b



2c

3

3a

3b

3c

4

4a

4b

4c

5

5a

5b

6

6a

6b

6c

7a

7b

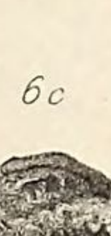
7c

7

10

10a

9



9a

8

8a

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DINOCERAS MIRABILE, Marsh. ½.

PLATE LIV.

PLATE LIV.

DINOCERATA.

Feet of DINOCERAS MIRABILE, Marsh.

One-half Natural Size.

Page.

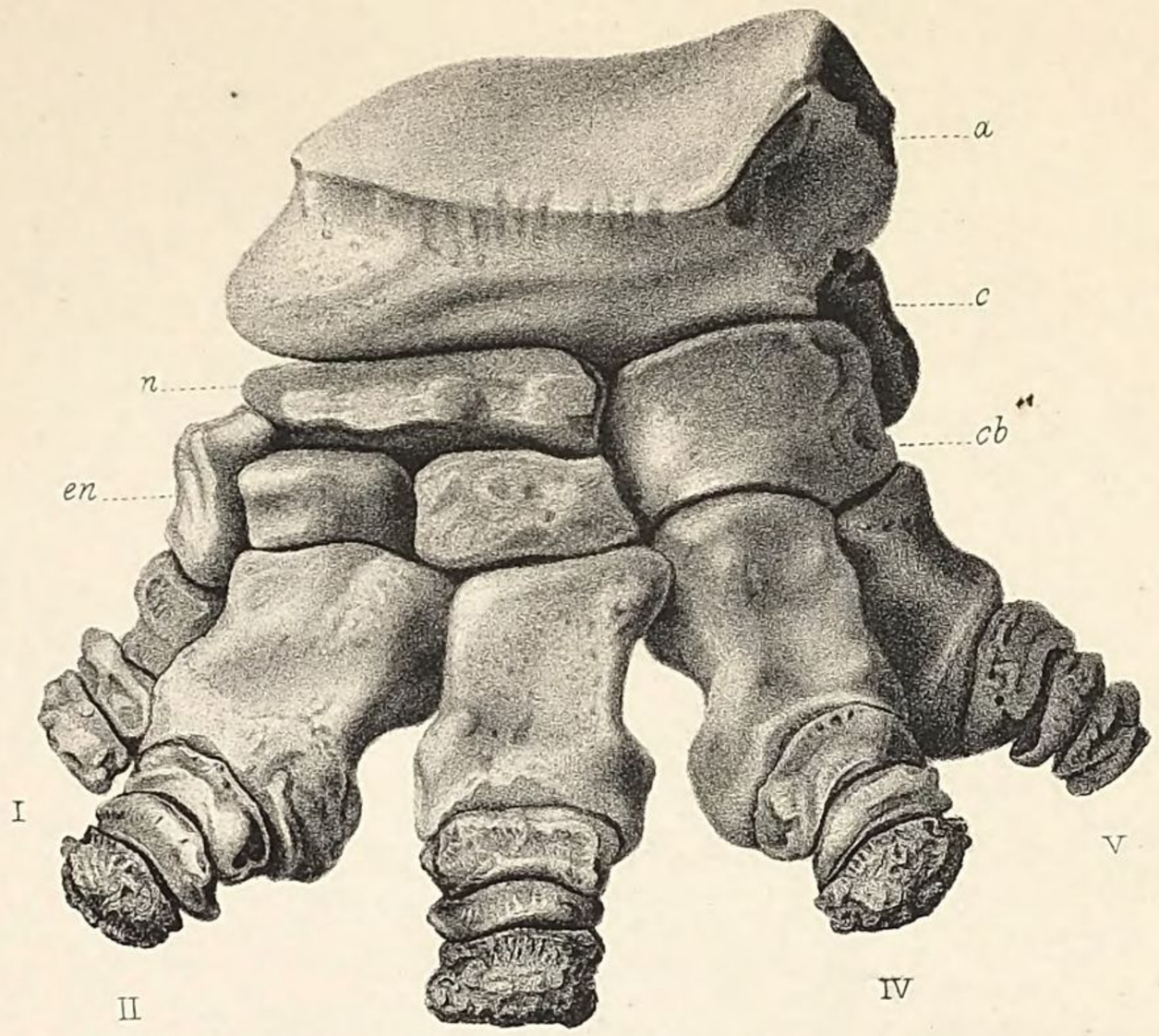
FIG. 1.—Manus, or fore foot (left), ... 101

s —Scaphoid.
l —Lunar.
p —Pyramidal.
tm —Trapezium.
tr —Trapezoid.
un —Unciform.
I —First digit, or pollex.
II —Second digit.
III—Third digit.
IV—Fourth digit.
V —Fifth digit.

FIG. 2.—Pes, or hind foot (left), ... 145

a —Astragalus.
c —Calcaneum.
cb —Cuboid.
n —Navicular.
en —Entocuneiform.
I —First digit, or hallux.
II —Second digit.
III—Third digit.
IV—Fourth digit.
V —Fifth digit.

2



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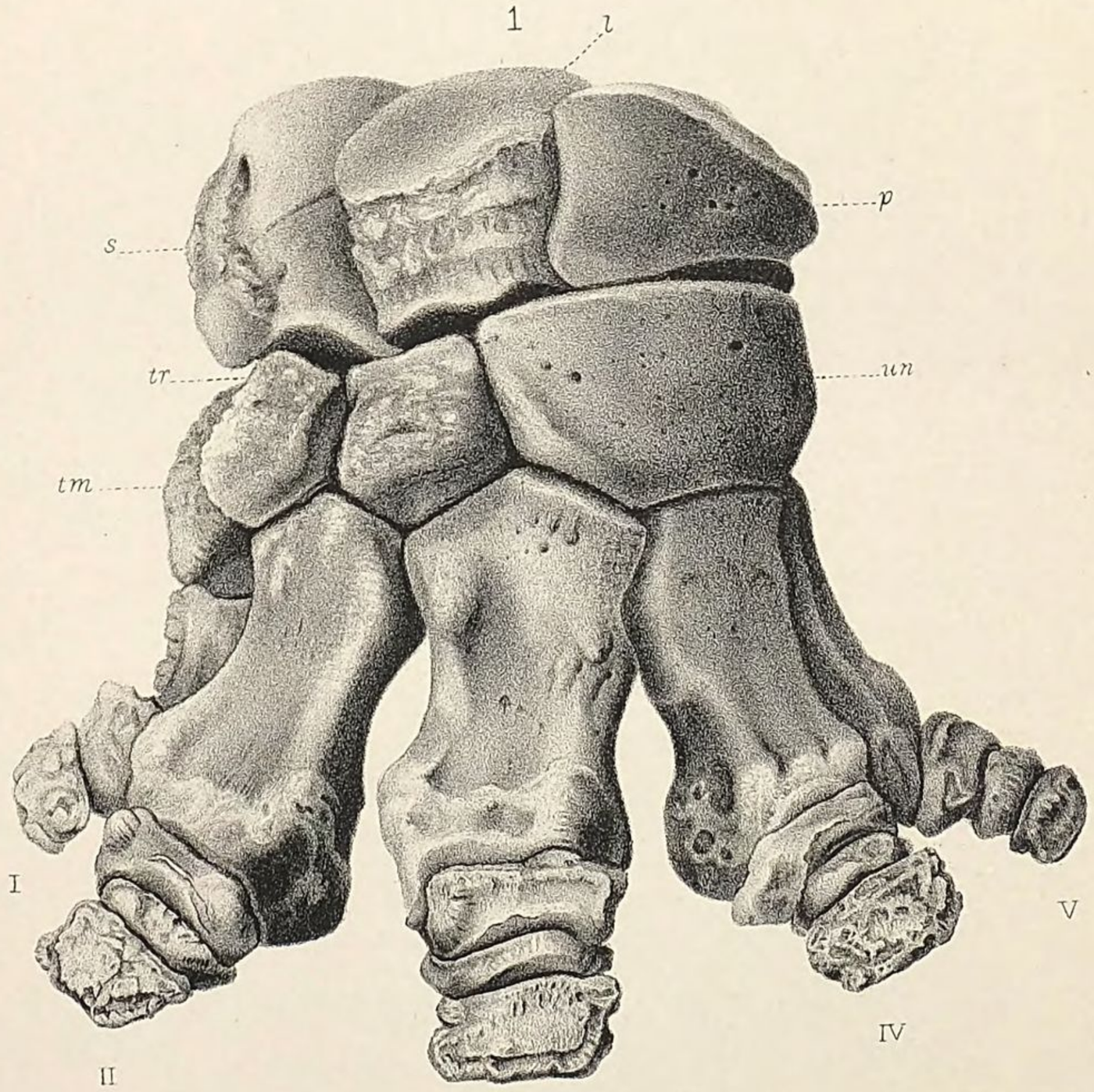

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DINOCERAS MIRABILE, Marsh. ½.

PLATE LV.

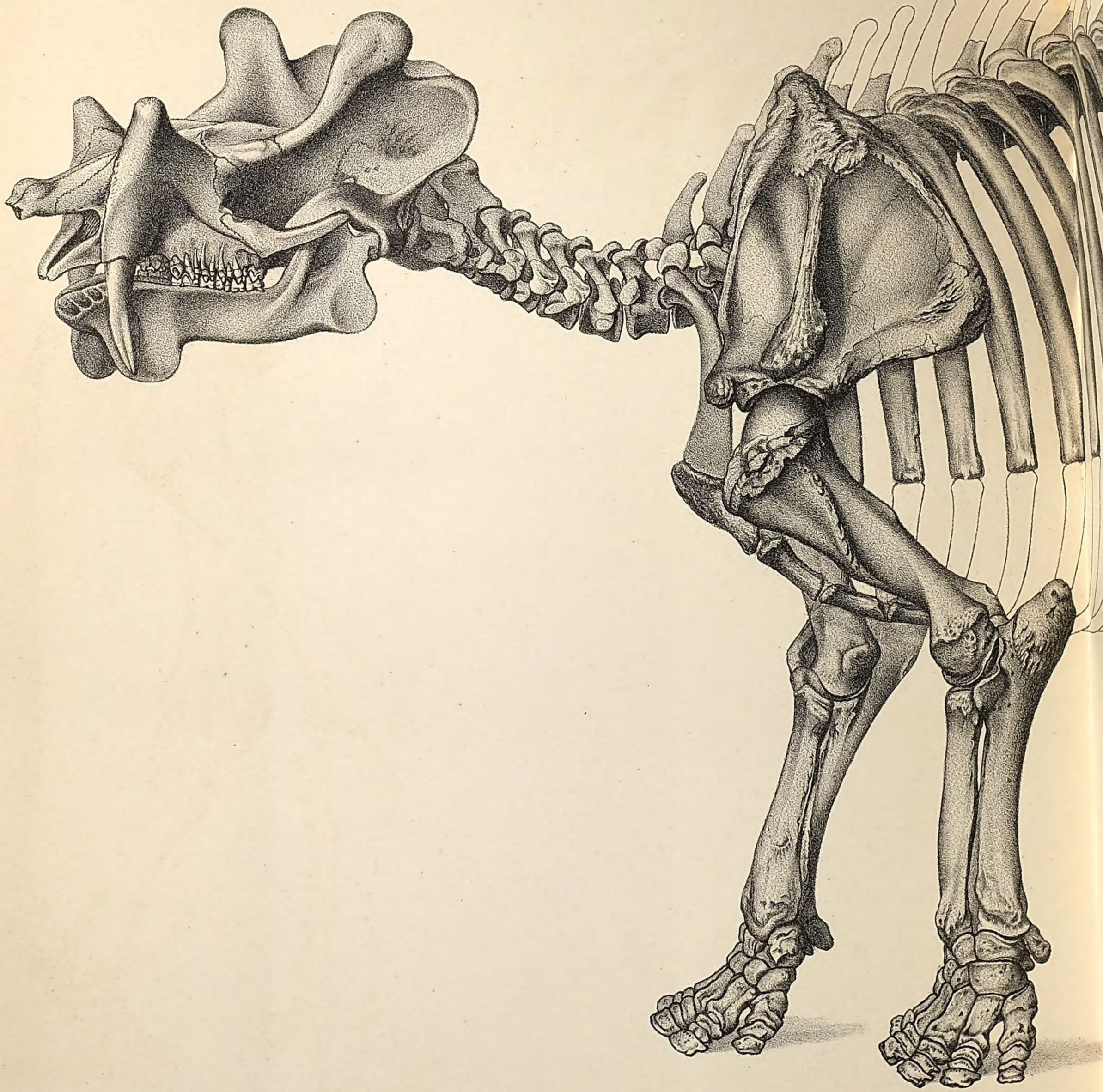
PLATE LV.

DINOCERATA.

Page.

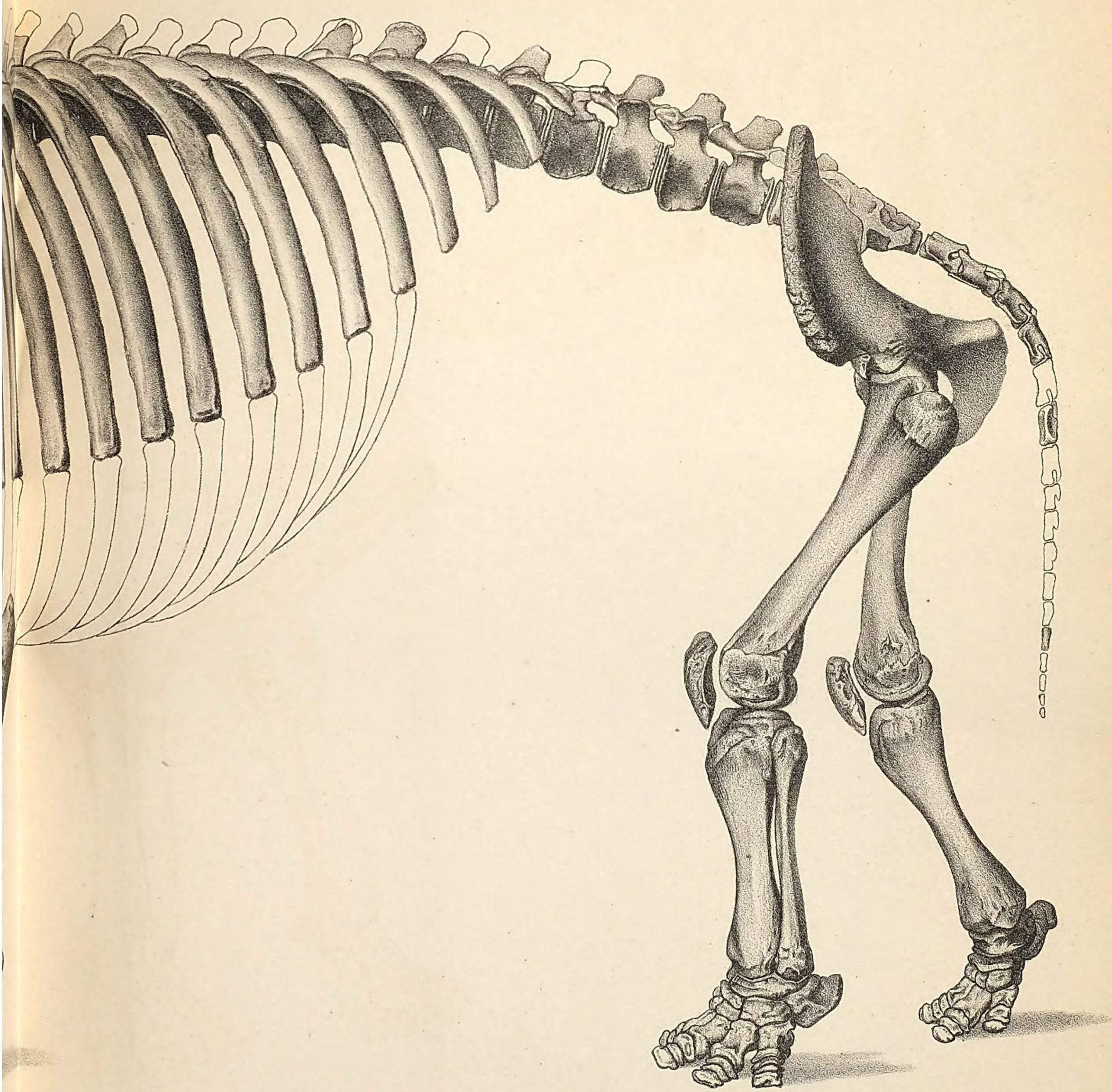
Restoration of DINOCERAS MIRABILE, Marsh. 165

One-eighth Natural Size.



F. Berger, del.

DINOCERAS M



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MIRABILE, Marsh. ⅛.

PLATE LVI.

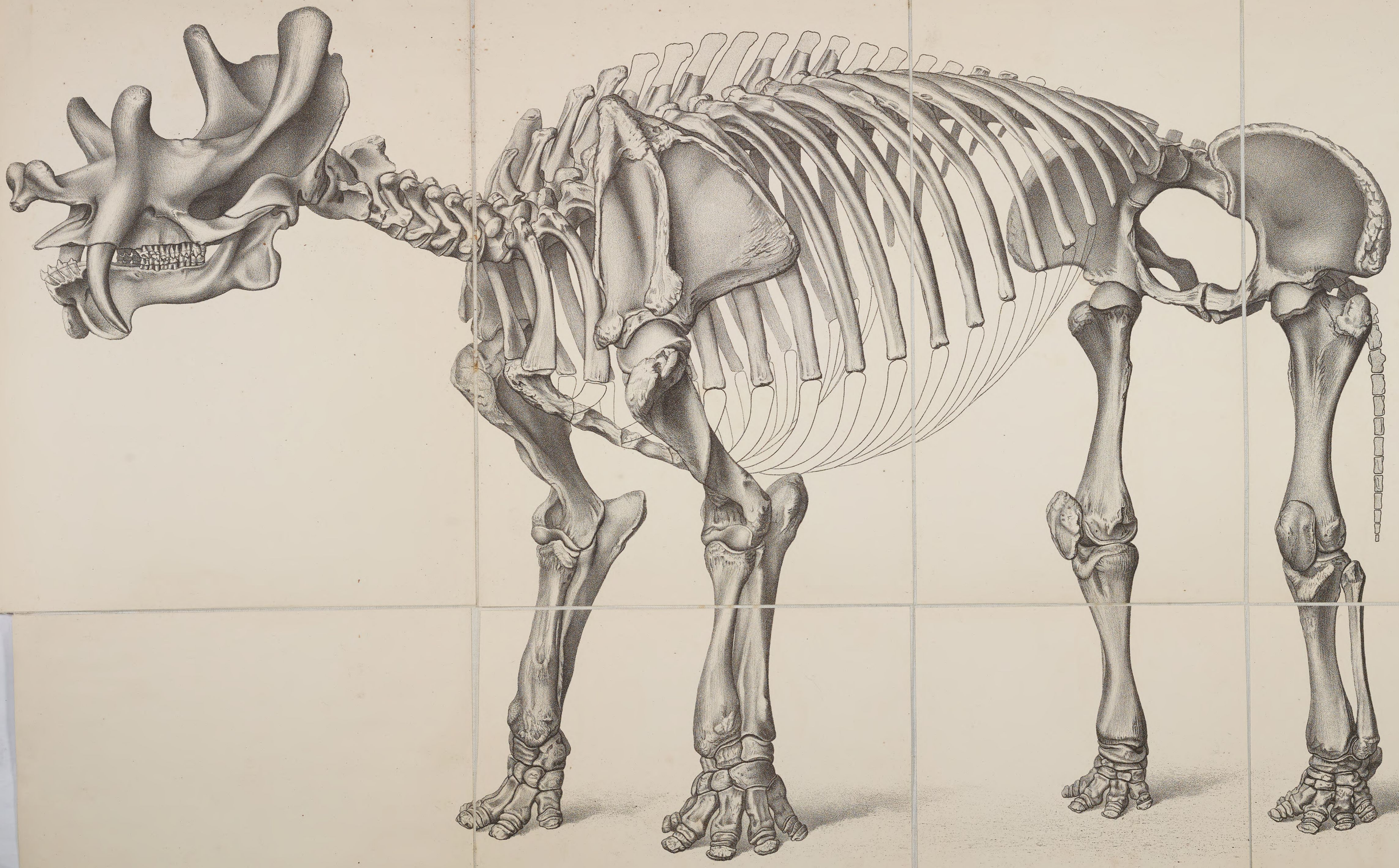
PLATE LVI.

DINOCERATA.

Page.

Restoration of TINOCERAS INGENS, Marsh. 165

One-sixth Natural Size.



TINOCERAS INGENS, Marsh. ⅙.

er. del.

E. Ortsand, lith. New Haven.

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MDZ Münchener DigitalisierungsZentrum Digitale Bibliothek

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